

CHAPTER 1
ADMINISTRATION AND GOVERNMENT

PART 1

ADMINISTRATIVE CODE

A. Short Title and Definitions.

- §1-101. Short Title
- §1-102. Definitions

B. Council Organization and Procedures.

- §1-111. Role of the Charter
- §1-112. General
- §1-113. Organization Meeting; Presiding Officer of Council
- §1-114. Meetings
- §1-115. Meetings to Be Public
- §1-116. Agenda
- §1-117. Conduct of Business
- §1-118. Rules of Procedures
- §1-119. Public Participation
- §1-120. Committees of Council
- §1-121. Official Actions of the Council
- §1-122. Ordinances
- §1-123. Independent Legal Counsel
- §1-124. Redistricting Process

C. Mayor; Chief Executive Officer.

- §1-131. Powers and Duties
- §1-132. Independent Legal Counsel
- §1-133. Termination of Department Directors

D. Managing Director; Chief Administrative Officer.

- §1-141. Powers and Duties

E. City Auditor.

- §1-151. Power and Duties

F. City Clerk.

- §1-161. Duties

G. City Health Officer.

§1-171. Duties of City Health Officer

H. Department Organization.

§1-181. Administrative Organization
§1-182. Chart
§1-183. Department Directors
§1-184. Duties
§1-185. Department of Finance
§1-186. Fiscal Provisions
§1-187. Department of Human Resources
§1-188. Department of Public Works
§1-189. Department of Community Development
§1-190. Department of Police
§1-191. Department of Fire
§1-192. Department of Law
Exhibit A Purchasing Policy and Procedures

I. Boards and Commissions/ Councils.

§1-199.01. Membership
§1-199.02. Organization
§1-199.03. Boards and Commissions/ Councils
§1-199.04. Authorities

J. Code of Ethics.

§1-199.11. Declaration of Policy
§1-199.12. Board of Ethics
§1-199.13. Definitions
§1-199.14. Statement of Financial Interest
§1-199.15. Disclosure of Confidential Information
§1-199.16. Prohibited Behaviors
§1-199.17. Penalties; Restitution
§1-199.18. Advisory Opinions
§1-199.19. Complaint and Investigation Procedure
§1-199.20. Confidentiality of Board Information
§1-199.21. Wrongful Use of Board of Ethics

PART 2

PERSONNEL CODE

A. General Provisions.

- §1-201. Conflict
- §1-202. Director of the Department of Human Resources
- §1-203. Coverage and Exclusion
- §1-204. Equal Employment Opportunity
- §1-205. Nepotism
- §1-206. Conflict of Interest
- §1-207. Residency
- §1-208. Political Activity
- §1-209. Hostile Work Environment
- §1-210. Charter Effect on Employees
- §1-211. Drug Free Workplace
- §1-212. Smoking Policy
- §1-213. Training Programs
- §1-214. Physical Examination/Drug Testing

B. Categories of Employment.

- §1-221. Categories of Employment

C. Appointment and Evaluations.

- §1-231. Notification of Vacancy
- §1-232. Recruitment
- §1-233. Application for Employment
- §1-234. Screening
- §1-235. Selection
- §1-236. Orientation
- §1-237. Probation
- §1-238. Performance Evaluation
- §1-239. Personnel Records

D. Benefits.

- §1-241. Insurance, Pension, Worker's Compensation and Other Benefits
- §1-242. Injury on Duty

E. Leave, Vacation and Holidays.

- §1-251. Family Medical Leave
- §1-252. Holidays
- §1-253. Annual Vacation Leave
- §1-254. Sick Leave
- §1-255. Funeral Leave
- §1-256. Leave of Absence
- §1-257. Childbirth Leave

- §1-258. Leave of Absence for Military Reserve Duty
- §1-259. Court Appearance and Jury Duty

F. Promotions.

- §1-261. Promotions

G. Rules and Regulations.

- §1-271. Salary Administration
- §1-272. Payroll Administration
- §1-273. Payroll Time Sheet
- §1-274. Payroll Deductions
- §1-275. Overtime
- §1-276. Time and Attendance of Employees
- §1-277. Lunch and Break Periods
- §1-278. Temporary Reassignment
- §1-279. Compensatory Time
- §1-280. Dress and Grooming
- §1-281. Conduct and Safety Regulations
- §1-282. Disciplinary Action
- §1-283. Grievance Procedure
- §1-284. Separation
- §1-285. Disability Removal
- §1-286. Providing Employees Legal Counsel
- §1-287. Employees Responses to Information Requests
- §1-288. Management Incentive Programs

H. Appeals.

- §1-291. Appeals

PART 3

COMPENSATION OF ELECTED OFFICIALS

- §1-301. Compensation
- §1-302. Payment of Salaries

PART 4

AUTHORITIES

A. Municipal Airport Authority.

- §1-401. Intent
- §1-402. Name of Authority
- §1-403. Articles of Incorporation
- §1-404. Members of Board
- §1-405. Execution of Articles of Incorporation
- §1-406. Appointments
- §1-407. Purpose

B. Reading Parking Authority.

- §1-411. Intent
- §1-412. Articles of Incorporation
- §1-413. Publishing Required
- §1-414. Notice of Articles of Incorporation
- §1-415. Filing of Articles of Incorporation
- §1-416. Members of the Board
- §1-417. Term of Existence

C. Reading Area Water Authority.

- §1-421. Intent
- §1-422. Articles of Incorporation
- §1-423. Notice of Articles of Incorporation
- §1-424. Filing of Articles of Incorporation
- §1-425. Members of the Board

D. Reading Downtown Improvement District Authority.

- §1-431. Re-Establishment of the Reading Downtown Improvement District Authority
- §1-432. Re-Establishment of Neighborhood Improvement District/Adoption and Approval of Final Plan for Reading Downtown Improvement District
- §1-433. Rights of Authority
- §1-434. Authorization of Authority
- §1-435. Management
- §1-436. Levy of Special Assessment
- §1-437. Collection of Assessments
- §1-438. Sunset Provision
- §1-439. Management Agreement
- §1-440. No Reduction in Services

E. Berks County Convention Center Authority.

- §1-441. Intent
- §1-442. Execution of Articles of Incorporation
- §1-443. Filing of Articles of Incorporation
- §1-444. Members of the Board of the Authority
- §1-445. Articles of Incorporation

PART 5

BOARDS, DEPARTMENTS, COMMISSIONS, COMMITTEES AND COUNCILS

A. Park and Recreation Citizen's Advisory Committee.

- §1-501. Findings and Purpose
- §1-502. Duties and Responsibilities
- §1-503. Committee Membership
- §1-504. Meetings
- §1-505. Responsibilities of the Superintendent of Recreation

B. Board of Health.

- §1-511. Creation of Board of Health
- §1-512. Policies and Procedures of the Board of Health

C. Human Relations Commission; Discrimination.

- §1-521. Legislative Findings and Declaration of Policy
- §1-522. Scope
- §1-523. Definitions
- §1-524. Human Relations Commission
- §1-525. Powers and Duties of Commission
- §1-526. Unlawful Employment Practices
- §1-527. Unlawful Housing Practices
- §1-528. Unlawful Lending Practices
- §1-529. Unlawful Public Accommodation Practices
- §1-530. Obstruction of Fair Practices
- §1-531. City Contracts
- §1-532. Procedure
- §1-533. Enforcement
- §1-534. Penalty

D. Vacant Property Review Committee.

- §1-541. Short Title
- §1-542. Purpose
- §1-543. Reading Vacant Property Review Committee
- §1-544. Definitions
- §1-545. Blighted Property Removal
- §1-546. Restrictions
- §1-547. Reuse of Acquired Property
- §1-548. Conflict with Other Laws

E. Citizens Advisory Board (CAB).

- §1-551. Creation and Name
- §1-552. Purpose and Functions
- §1-553. Membership
- §1-554. Meetings
- §1-555. Organizational Procedures

F. Penn Square Commission.

- §1-561. Creation and Name
- §1-562. Purpose
- §1-563. Powers and Duties
- §1-564. Membership
- §1-565. Term of Office
- §1-566. Compensation
- §1-567. Conduct of Business
- §1-568. Indemnification

G. Planning Commission.

- §1-571. Creation of Commission

H. Planning Division of the Department of Community Development.

- §1-581. Establishment of Department
- §1-582. Office of Director of Planning
- §1-583. Duties
- §1-584. Additional Staff

I. GPU Stadium Commission.

- §1-591. Creation and Members
- §1-592. Appointments and Vacancy
- §1-593. Compensation
- §1-594. Officers and Procedural Rules
- §1-595. Powers and Duties

J. Building Inspector Civil Service Board.

- §1-599.01. Definitions
- §1-599.02. Civil Service Board
- §1-599.03. Application
- §1-599.04. Written Examination
- §1-599.05. Background Investigation
- §1-599.06. Oral Interviews
- §1-599.07. Veteran's Preference

§1-599.08. Certification of List

K. Recreation Committee.

- §1-599.11. Findings and Purpose
- §1-599.12. Duties and Responsibilities
- §1-599.13. Committee Membership
- §1-599.14. Meetings
- §1-599.15. Responsibilities of Co-Chairs

L. Charter Board.

- §1-599.21. General Provisions
- §1-599.22. Organization of Charter Board
- §1-599.23. Powers and Duties of Charter Board
- §1-599.24. Standards for Interpretation of Reading City Charter and Administrative Code
- §1-599.25. Enforcement
- §1-599.26. Advisory Opinions
- §1-599.27. Educational Duties of the Charter Board

M. Minority Business Procurement Advisory Board.

- §1-599.31. Policy
- §1-599.32. Definitions
- §1-599.33. Minority Business Procurement Advisory Board
- §1-599.34. Minority Business Procurement Advisory Board
- §1-599.35. Powers and Duties of Board
- §1-599.36. City Contracts
- §1-599.37. Procedure

PART 6

PENSIONS

A. Police Pension Fund.

- §1-601. Definitions
- §1-602. Police Pension Fund Board; Members and Duties
- §1-603. Duties of Director of Human Resources
- §1-604. Member Contributions to Fund
- §1-605. Members Right to and Amount of Pension Benefits; Service Increments
- §1-606. Right to Contribute Refund in Lieu of Benefits
- §1-607. Employment Termination Prior to Benefit Entitlement
- §1-608. Permanent Disability Pension
- §1-609. Widow or Widowers and Children of Members
- §1-610. Computation of Time of Services

- §1-611. Receipt and Investment of Funds; Payment
- §1-612. Exemption from Attachment or Execution; Nonassignability
- §1-613. Contributions Payment to Estate
- §1-614. Military Service
- §1-615. Benefit Increases after Retirement

B. Firemen's Pension Fund.

- §1-621. Definitions
- §1-622. Board of Managers Created
- §1-623. Board of Managers; Members, Term and Vacancy
- §1-624. Board Officers
- §1-625. Surety Bond of the Treasurer
- §1-626. Board Expenses
- §1-627. Board Compensation
- §1-628. Fund Created
- §1-629. Fund Sources
- §1-630. Gifts and Grants
- §1-631. Reward Proceeds
- §1-632. DiLauro Interest Arbitration
- §1-633. Member Contributions; Increase
- §1-634. Council Contributions
- §1-635. Board Rewards, Rules and Meetings
- §1-636. Board to Request Budget Funds from Council
- §1-637. Board Voting and Decisions
- §1-638. Board to Issue Payment Certificates
- §1-639. Employment Termination Prior to Entitlement
- §1-640. Entitlement to Benefits
- §1-641. Members Right to and Amount of Benefits; Service Increment Contributions
- §1-642. Benefits to be Uniform; Widows and Children of Members
- §1-643. Disability Benefits
- §1-644. Application
- §1-645. Contributions Payment to Estate
- §1-646. Pension Investment Account
- §1-647. Exemption from Attachment or Execution; Nonassignability
- §1-648. Effective Date

C. Officers and Employees Retirement System.

- §1-651. Definitions
- §1-652. System Created
- §1-653. Officers and Employees Retirement Board
- §1-654. Employment Statement
- §1-655. Right to and Amount of Pension Benefits
- §1-656. Disability Benefits
- §1-657. Member Contributions
- §1-658. Additional Payments to Extend Benefits

- §1-659. Termination Prior to Benefit Entitlement
- §1-660. Refunds
- §1-661. Council Contributions
- §1-662. Benefits
- §1-663. Time of Service
- §1-664. Military Service
- §1-665. Payment Only to Beneficiary
- §1-666. Method of Payment
- §1-667. Service Increments
- §1-668. Federal Income Tax Exemption of Employee Contributions

D. New Officers and Employees Pension Fund

- §1-671. Purpose
- §1-672. Definitions
- §1-673. Normal Retirement
- §1-674. Basic Benefit
- §1-675. Service Increments
- §1-676. Early Retirement
- §1-677. Accrued Pension
- §1-678. Disability Benefits
- §1-679. Survivor Benefits
- §1-680. Vesting
- §1-681. Member Contributions
- §1-682. Refund of Contributions
- §1-683. Nonrepealer and Severability

PART 7

FIRE INSURANCE PROCEEDS

A. Fire Insurance Proceeds Escrow Procedures.

- §1-701. Municipal Officer; Definitions
- §1-702. Certificate and Compliance
- §1-703. Adoption of Procedures and Fees
- §1-704. Penalty

B. Control of Fire Insurance Proceeds.

- §1-711. Municipal Officer; Definitions
- §1-712. Payment of Claims; Procedure
- §1-713. Proceeds Transferred to Municipal Officer
- §1-714. Penalty

PART 8

DEPARTMENT OF POLICE

- §1-801. Promotions
- §1-802. Sergeant
- §1-803. Lieutenant
- §1-804. Captain
- §1-805. Inspector
- §1-806. Service Time
- §1-807. Probationary Period
- §1-808. Certification
- §1-809. Eligibility Lists
- §1-810. College Credits

PART 9

DEPARTMENT OF FIRE AND RESCUE SERVICES

- §1-901. Recognizing Volunteer Fire Department
- §1-902. Organization of New Fire Companies
- §1-903. Classifying Members of Volunteer Fire Companies into Certified Volunteer Firefighters and Volunteer Nonfirefighters
- §1-904. Appropriations
- §1-905. Officers
- §1-906. Salaries
- §1-907. Duties at Fires
- §1-908. Service Outside City
- §1-909. Fire Chief Ex-Officio Fire Marshal
- §1-910. Adoption of Standard Screw Coupling
- §1-911. Rules and Regulations
- §1-912. Fire Marshal Creation, Appointments and Reports
- §1-913. Delinquent Bill Accounts
- §1-914. Collection Procedures and Collection Agency Fees for Delinquent RFDEMS Accounts

Part 10

Policy for Access to Public Records

- §1-1001. Purpose
- §1-1002. Format to Request
- §1-1003. Processing of Request
- §1-1004. Response to Request
- §1-1005. Fees Associated with Request

- §1-1006. Review of Request
- §1-1007. Denial of Request

PART 1

ADMINISTRATIVE CODE

A. Short Title and Definitions.

§1-101. Short Title.

This Part shall be known and may be cited as the "Administrative Code of the City of Reading."

(*Ord. 17-1996, 6/24/1996, §1.01*)

§1-102. Definitions.

The following words, when used in this Part, shall, unless the context clearly indicates otherwise, mean or indicate as follows:

ADMINISTRATIVE MANUAL - those documents specifying operational matters of municipal units including, but not necessarily limited to, descriptions of the duties and responsibilities of subordinate units, rules, and regulations and appropriate administrative procedures, records, and reports.

ADMINISTRATIVE SERVICE - all personnel in those units of the City which are under the authority of the Managing Director.

CHARTER - the Home Rule Charter for the City of Reading approved by the voters of the City of Reading, November, 1993.

CHIEF ADMINISTRATIVE OFFICER - the Managing Director.

CHIEF EXECUTIVE OFFICER - the Mayor.

CITY - the City of Reading, Pennsylvania.

COUNCIL - the City Council of the City of Reading, Pennsylvania.

HOMERULE LAW - the Home Rule Charter and Optional Plans Law, Act of 1972, April 13, No. 62, §101 *et seq.*

LAW - all applicable laws of the United States of America and the Commonwealth of Pennsylvania.

ORDINANCE - all ordinances of the City of Reading, including this Administrative Code.

PERSON - any individual, partnership, association or corporation.

ADMINISTRATION AND GOVERNMENT

PRESIDENT - the President of Council.

PUBLISH - to print in a newspaper of general circulation in the City the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for public inspection. This may include exposure on local TV stations.

RESIDENCE - domicile, a person's legal home; that place where a person has his true, fixed and permanent home or principal establishment, and to which whenever he has been absent he has the intention of returning. If an employee fails to establish his or her permanent residence as defined in this Part by the time specified, his or her employment within the City of Reading is terminated as of that date. [*Ord. 9-2001*]

THIRD CLASS CITY CODE - the Act of June 23, 1931, P.L. 932, No. 317, reenacted and amended June 28, 1951, P.L. 662, No. 164, as amended.

UNIT - all official components of the City government.

In this Part, the singular shall include the plural and the plural shall include the singular.

(*Ord. 17-1996*, 6/24/1996, §1.02; as amended by *Ord. 9-2001*, 4/9/2001, §§1,2)

B. Council Organization and Procedures.

§1-111. Role of the Charter.

The role of the Charter in interpreting this Administrative Code shall be as follows: In the event there is any inconsistency or conflict in the Charter and the provisions of this Administrative Code the provisions of the Charter shall take precedence.

(*Ord. 17-1996, 6/24/1996, §2.01*)

§1-112. General.

The number of Council members, their terms, election and qualifications and the filling of Council vacancies shall be as provided in the Charter.

(*Ord. 17-1996, 6/24/1996, §2.02*)

§1-113. Organization Meeting; Presiding Officer of Council.

1. The organization meeting of the Council shall be the first meeting in each year. In years following a municipal election, the day and time of the swearing-in ceremony shall be determined by the Council, including Council members elect and those whose terms continue into the new year.
2. At the organization meeting following a municipal election, Council shall elect a Vice President and other such officers as the Council may deem appropriate to serve a 2 year term. [*Ord. 7-2001*]

(*Ord. 17-1996, 6/24/1996, §2.03; as amended by Ord. 7-2001, 4/9/2001, §1*)

§1-114. Meetings.

1. **Public Notice.** Provisions governing public notice of meetings shall be provided by Sunshine Act of 1986, P.L. 38, No. 84, as amended.
2. **Regular Meetings.** See Charter, §212(2)¹.

Editor's Note: §212(2) of the Charter provides:

2. **Meetings.** Council shall hold a regular meeting at least twice each month in the evening on a day and place as the Council may prescribe by rule.

ADMINISTRATION AND GOVERNMENT

3. **Special Meetings.** Special meetings may be called by the President of the Council or upon the written request of a majority of the members of the Council. A written notice shall be mailed or delivered to each Council member at least 24 hours before a special meeting is held. Such notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Council. Special meetings may also be called by citizens' petition as referenced in the Charter, §1112².
4. **Emergency Meetings.** The Mayor may call a special meeting of Council for the purpose of taking action on an emergency and further, provided a quorum is present of Council as provided in the Charter. In the event, five council members determine that the emergency meeting is called by the Mayor, the meeting shall not be held and/or shall be adjourned without any action.
5. **Executive Sessions.** The Council may hold executive sessions as permitted by law. No official action shall be taken by the Council on any matter in executive session as provided for by the Sunshine Act of 1986, P.L. 388, No. 84, as amended.
6. In the absence of the President, the Vice President shall exercise the duties of the President. In the absence of both the President and the Vice President, the Council shall appoint a President pro-tem who shall have all the powers of the President.
7. In the event a regular or special meeting needs to be postponed because of a weather emergency or similar circumstances, the Council President may determine the date and time of the postponed meeting. Reasonable efforts to fulfill the notice requirements (see subsections (1) and (3) above) shall be made, but broadcast announcements and telephone calls to members, along with posting on the door of Council Chambers the day of the meeting shall be deemed to meet minimum requirements.

(Ord. 17-1996, 6/24/1996, §2.04)

§1-115. Meetings To Be Public.

²Editor's Note: §1112 of the Charter provides:

§1112. Citizens Rights to Call a Special Meeting of City Council.

1. The qualified voters of the City of Reading, upon filing a signed petition with the City Clerk, may require the City Council to hold a special meeting.
2. The petition filed with the City Clerk must contain the signatures and addresses of 200 duly qualified voters of the City and the purpose for which the meeting is being called. Upon receipt of such petition and a 2 day review/certification period of the petition by the City Clerk, the President of City Council must convene the special meeting on an evening within 14 days of the certification.
3. The public notification process will adhere to the special meetings provisions of this Charter.

All meetings of the Council shall be open to the public as provided by law and the Charter, §212.³

(Ord. 17-1996, 6/24/1996, §2.05)

§1-116. Agenda.

1. The proposed agenda for a regular or special meeting of the Council shall be prepared by the City Clerk in consultation with the President or committee of Council created for that purpose.
2. The proposed agenda for an emergency meeting of the Council shall be prepared by the City Clerk in consultation with the President.
3. The proposed agenda for any regular meetings shall be forwarded to all members of the Council at least 2 days prior to the stated meeting and shall be posted 2 days prior to the meeting on the bulletin boards of City Hall or on local public television. Sufficient copies of the agenda must be available prior to the beginning of the meeting.
4. The title of any ordinance or resolution to be considered shall be published as part of the agenda.
5. The published agenda may be amended at the meeting by a majority of members present, plus one, immediately after roll-call. No matters other than those on the agenda as amended shall be acted upon by the Council.

³Editor's Note: §212 of the Charter provides:

§212. Procedures.

1. **Rules.** The Council shall determine its own rules and order of business.
2. **Meetings.** Council shall hold a regular meeting at least twice each month in the evening on a day and place as the Council may prescribe by rule.
3. **Special Meetings.** Special meetings may be held on the call of the President of Council or at least four members of Council at such time and place and under such conditions as the Council may prescribe by rule.
4. **Meetings Open to the Public.** All meetings shall be open to the public, except executive sessions as authorized by law. The chambers shall be arranged in such a way as to have all members of Council facing the public.
5. **Voting.** All action shall be at a public session; shall require a majority full vote of Council, except in the case of a vote to override a veto which shall require an affirmative vote of five members and in the case of passage of an ordinance which shall require a majority vote of Council as a whole unless otherwise specified in this charter; voting shall be by roll call vote, and the vote of each member of the Council shall be entered in the minutes of the meeting.
6. **Journal.** The Council shall provide for keeping of a journal of its proceedings. The journal shall be a public record, and shall be maintained in City Hall and a copy in the Reading Public Library and the Berks County Law Library.

ADMINISTRATION AND GOVERNMENT

(*Ord. 17-1996*, 6/24/1996, §2.06)

§1-117. Conduct of Business.

1. At the time appointed for any meeting of the Council, the President shall take the Chair and call the meeting to order. If a quorum is present, as provided in the Charter, §214⁴, the President shall proceed with the order of business prescribed for the meeting. If, upon the call of the roll, a quorum is not present, the President shall order a recess for a reasonable period of time and if a quorum has not developed by that time, the President shall declare the meeting adjourned.
2. The President shall deal firmly with enforcing these rules and the rules guiding participation including, but not limited to, commotion, frivolous behavior or delaying debate and motions. The President shall see that Council debate is confined to the merits of the question and those personal comments and/or statements are avoided. [*Ord. 7-2001*]
3. In the absence of the President, the Vice President shall serve as the presiding officer. If both the President and Vice President are absent, the meeting shall not be called to order unless the President has designated a member of Council, in writing, to serve as the presiding officer of that session. [*Ord. 7-2001*]
4. No legislative or special legislative session in the Reading City Council shall be called to order in the absence of the City Solicitor or a staff attorney from the Council office to provide proper legal advice and avoid possible serious or potentially devastating consequences. [*Ord. 7-2001*]

(*Ord. 17-1996*, 6/24/1996, §2.17; as amended by *Ord. 7-2001*, 4/9/2001, §2)

§1-118. Rules of Procedure.

1. The standard reference of Council shall be Robert's Rules unless stated differently by Council.
2. Business is conducted by acting on motions. Once a matter has been moved and seconded, no other matter shall be taken up until the main issue is disposed of.
 - A. **Rule No. 1. Disclosure of Interest.** A member who has personal or private interest in any question, measure, bill proposed or pending before the Council

⁴Editor's Note: §214 of the Charter provides:

§214. Quorum.

A quorum of Council shall consist of four Council members.

shall disclose that fact to Council and shall not vote thereon. If such interested person shall vote without disclosing his interest in such question, measure or bill, Council may avoid the enactment or transaction or not, as it deems best.

- B. **Rule No. 2. Proposed Amendments to These Rules.** Amendments to these rules must be presented in writing at a nonlegislative meeting of the Council held at least 1 week prior to the date when the same are to be finally considered. Amendments shall be adopted by the affirmative vote of the majority of all members of Council.
- C. **Rule No. 3. Suspension of Rules.** These rules may be suspended by the affirmative vote of the majority of all members of Council present, but the suspension shall not extend beyond the adjournment. No rule of Council, which is also subject of legislative enactment, shall be suspended.
- D. **Rule No. 4. Legislation.**
 - (1) No rule, bill or resolution shall be considered by Council unless a written resolution or bill is delivered to the City Clerk before the end of the business day of the scheduled legislative session. The City Clerk shall furnish to the Mayor and all members of Council copies of all proposed resolutions and ordinances.
 - (2) Legislation referred to or being considered by a Council Committee must be returned to the full body of Council for consideration with either a positive or negative recommendation. If the legislation is not returned in this manner, any three Council members may request that the full body, at a regular business meeting, consider the legislation.
- E. **Rule No. 5. Duties of the Presiding Officer.** The President of Council shall decide all questions subject to appeal by any two members of Council and have general supervision of the meeting. He shall determine the appropriate committee to which legislation and other matters shall be referred. The President of Council shall be the designated representative of the body and shall communicate the intentions of Council, with respect to professional service, contracts, legislative action and other matters, as needed.
- F. **Rule No. 6. Reconsideration.** A motion to reconsider a question shall be entertained only at the next legislative meeting following the one at which vote was taken. No second motion to reconsider the same motion shall be entertained.
- G. **Rule No. 7. Motions to be Entertained.**
 - (1) All motions must be moved and seconded. When a question (or main motion) is under consideration, no motion shall be entertained except for:
 - (a) Adjournment.

ADMINISTRATION AND GOVERNMENT

- (b) Previous question (2/3 vote).
 - (c) Lay on the table.
 - (d) To postpone.
 - (e) To commit.
 - (f) To amend.
 - (g) End debate.
 - (h) Call for the question.
- (2) These questions have preference in the order given. The first three must be decided without debate. A motion to adjourn is always in order when the main question has been ordered put, when a member has the floor, or during a call of the yeas and nays.
- (3) Motions for the previous questions to postpone or commit shall preclude amendment or debate upon the original subject. Motion to postpone shall preclude commitment.

H. **Rule No. 8. Rules of Debate.**

- (1) Prior to debate, a bill or resolution must be placed on the table by a first and second motion of the body. The sponsor of the bill or the referring committee will have the first opportunity to make a statement. After which, each member of Council, after he shall be entitled to make one statement on the proposed legislation. President of Council may also invite the Mayor and Managing Director to comment. All first statements shall be no longer than 3 minutes in length.
- (2) Second statements or comments shall be entertained after each member present has been given the opportunity to speak one time and shall be no longer than 2 minutes in length. In the event no other Council member wishes to address the issue and on one moves to end debate or call for the question, debate will be allowed to continue. In general, it is expected that the body will make their remarks concise and focused on matter or issued proposed. Amendments or statements not relating to the question shall not be made. All such matters not relating to agenda items will be entertained after the Council business portion of the agenda.
- (3) President of Council or presiding officer may, at his discretion, choose to limit debate time on each agenda item to 10 minutes, as stated in Roberts' Rules of Order.

- (4) Members wishing to speak shall request recognition from the presiding officer. At which time other Council members shall not engage in dialogue or interrupt except for the following:
 - (a) Call for the orders of the day (when they are not being conformed to).
 - (b) Raising a question of privilege.
 - (c) Point of order (calling the member who has the floor to order or calling his attention to the fact that he is not observing the rules).
 - (d) Call for a separate vote on one or more subjects that are included in a single motion.
 - (e) Request or inquiry that requires an immediate response.

[Ord. 7-2001]

- 3. The body may override the presiding officer's decision on any procedural rule through the passage of a motion. [Ord. 7-2001]

(Ord. 17-1996, 6/24/1996, §2.18; as amended by Ord. 7-2001, 4/9/2001, §3)

§1-119. Public Participation.

These rules are intended to promote an orderly system of public comment, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his right of free speech. Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month. Public comment is not permitted at the City Council work sessions.

- A. Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing their name, address and the subject matter to be discussed to the City Clerk any time before City Hall closes on the day of the scheduled Council meeting before the meeting is called to order by the President of Council or the presiding officer.
- B. Citizens desiring to address the Council at its special meeting may do so by providing notice verbally or in writing the subject matter to be discussed to the City Clerk ½ hour before the special meeting before the meeting is called to order by the President of Council or the presiding officer.
- C. A citizen shall be provided the opportunity to address the Council on any agenda

ADMINISTRATION AND GOVERNMENT

item without written notice (see Charter, §213⁵). The presiding officer or by action of Council shall limit the time each person shall speak giving equal time to all. Such discussion shall occur prior to the vote of the agenda item.

- D. All remarks must be directed to Council as a body and not to any Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by a majority vote of Council.
- E. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing the Council may be called to order by the Presiding Officer, and may be barred from speaking before the Council unless permission to continue to speak is granted by a majority vote of the Council.
- F. All comments by the public shall be made from the speaker's podium. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. The time limits placed on the public's ability to address Council by this subsection shall terminate on February 23, 2006. [*Ord. 1-2004*]
- G. Citizens may not ask questions of Council member or other elected or public official in attendance. However, Council members, elected or public officials may make a statement in response to comments made by citizens at the conclusion of the public comment period.
- H. **Public Hearings.** Any person who fails to sign in with the City Clerk shall not be permitted to speak until all those who signed in have done so. Those testifying must limit their comments to 3 minutes. No person who has previously spoken during the public hearing on a particular item may speak again unless all other persons desiring to give testimony at the public hearing have spoken. A person speaking for a second time shall limit his comments to not more than 1 minute.

(*Ord. 17-1996*, 6/24/1996, §2.09; as amended by *Ord. 10-1998*, 3/23/1998, §1; by *Ord. 29-2002*, 6/24/2002, §1; and by *Ord. 1-2004*, 1/26/2004, §1)

⁵Editor's Note: §213 of the Charter provides:

§213. Citizens' Right to be Heard.

The Council must provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard shall be the first order of business at all public meetings and before a vote on any Council business. The public shall be granted the opportunity to comment at Council meetings without time limitations, except when Council by a majority plus one of the members present imposes a reasonable time limitation deemed necessary.

§1-120. Committees of the Council.

1. The Council may, at any time, provide for standing or ad-hoc committees to assist with the carrying out of its functions. Any such committee shall thereafter report to the Council at the regularly stated meetings of that body. [*Ord. 7-2001*]
2. Committees of Council may include:
 - A. Finance, to include community development funds, capital improvements, audits and budget.
 - B. Public Property/Public Works to include parks, buildings, vehicles, streets and sewage.
 - C. Public Safety to include fire, police, codes, health and traffic.
 - D. Administrative Oversight to include legal and personnel.
 - E. Research Committee to research issues requested by Council.
 - F. Rules Committee to establish rules of conduct for Council.
3. Each committee shall consist of a minimum of three members of Council. Each member shall serve as appointed unless excused by a majority of the members of Council. [*Ord. 7-2001*]
4. Council members shall submit their committee preferences to the City Clerk in November of a municipal election year. The President of Council will assign Council members to committees and assign committee chairs on a biennial basis. The recommendation of the President will be approved by resolution of Council at the first regular meeting of Council following a municipal election. [*Ord. 7-2001*]
5. Ad-hoc committees may be appointed from time to time by motion of Council. The number of committee members and its duties shall be stated in the motion of appointment. [*Ord. 7-2001*]
6. All members of Council will be informed of the committee meeting schedule and will be provided with committee agendas and any attachments thereto. All members of Council not of a given committee may attend any committee meeting and are encouraged to participate [in] committee discussions, but may not vote on any matter considered [*Ord. 7-2001*].

(*Ord. 17-1996, 6/24/1996, §2.10; as amended by Ord. 7-2001, 4/9/2001, §4*)

§1-121. Official Actions of the Council.

ADMINISTRATION AND GOVERNMENT

Official actions of the Council shall be taken by ordinance, resolution or motion, as provided in the Charter. An ordinance is defined as law, a rule made by authority or decree, while a resolution is policy or an expression of opinion.

(Ord. 17-1996, 6/24/1996, §2.11)

§1-122. Ordinances.

1. **Action Requiring an Ordinance.** In addition to requirements provided by law or the Charter, §§215 through 224⁶, acts of the Council shall be by ordinance which:

⁶Editor's Note: §§215 through 224 of the Charter provides:

§215. Ordinances in General.

Council may legislate by passage of an ordinance. All ordinances introduced shall be kept in a place accessible to the public at all reasonable times. Final action on all ordinances shall take place during public meetings.

§216. Form of Ordinance.

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject.

§217. Procedures.

1. The first reading of an ordinance may be introduced by any member at any regular or special meeting of the Council without vote.
2. After the first reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council Member and to the Mayor and shall file and make available a reasonable number of copies in the office of the City Clerk.

§218. Final Passage of Ordinance Resolutions.

A minimum of 14 days must intervene between introduction and passage of an ordinance unless Council finds and declares a public emergency posing a sudden, clear and present danger to life or property.

§219. Effective Date of Legislation.

Every adopted ordinance except emergency legislation shall become effective at the expiration of 30 days after passage by Council and approval by the Mayor, or repassage by Council over the Mayor's veto, or at a date specified therein, but not less than 10 days after adoption.

§220. Emergency Ordinance.

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance if the emergency still exists.

§221. Submission to Mayor and Veto Power.

1. Before any ordinance takes effect it must first be submitted to the Mayor for approval. The Mayor shall sign

- A. Adopt or amend the codes or establish, alter, or abolish any unit of the City.
- B. Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed.
- C. Levy taxes and provide for service charges, permit fees and assessments.
- D. Grant, renew or extend a franchise.
- E. Adopt and amend the annual budget and capital program budget (see Charter, §§905, 912 and 913⁷).

the ordinance within 10 days, if approved, but if not, shall return it to Council stating objections. Council shall at its next meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of five members of City Council.

- 2. If the Mayor fails within 10 days after any ordinance is submitted to him to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the 10 day period.
- 3. The veto power of the Mayor shall not apply to ordinances adopted by initiative or referendum.

§222. Recording of Ordinances.

All ordinances shall be contained in permanent separate record books. The ordinance book and all other actions taken by Council at a public meeting shall be open and available for public inspection at normal business hours in the office of the City Clerk, and a copy in the Reading Public Library.

§223. Codification of Ordinances.

Within 3 years after the effective date of this Charter, the Council shall provide for a codification with an index of ordinances of the City. No later than 3 months after the close of each year, Council, with the assistance of the City's legal department, shall classify ordinances according to the division and subdivision of the Code for insertion in the Code during said year.

§224. Action by Resolution or Motion.

Nothing in the Article is intended to preclude Council from taking appropriate action by resolution or motion.

⁷Editor's Note: §905 of the Charter provides:

§905. City Council Action on Budget.

- 1. **Notice and Hearing.** Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget with a notice stating:
 - A. The times and places where copies of the budget message and budget document are available for inspection by the public.
 - B. The time, place and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.
 - C. The proposed budget shall be available for public inspection at City Hall and copies shall be available

ADMINISTRATION AND GOVERNMENT

F. Repeal or amend any ordinance.

for the public at a reasonable fee to be set by the Council.

2. **Amendment Before Adoption.**

- A. After the public hearing, the City Council may adopt the budget, with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs, or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.
- B. If the amended budget increases, decreases or readjusts funding requirements by more than 5%, or adds or deletes a program, the Budget shall be returned to the Mayor immediately for comment and resubmission to the Council within 3 normal City work days.
- C. Council shall provide for another public hearing to be held within 5 days after the Mayor has resubmitted the Budget.

3. **Adoption.** Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15 then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.

§912. City Council Action on Capital Program.

- 1. **Notice and Hearing.** Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program with a notice stating:
 - A. The times and places where copies of the capital program message and capital program document are available for inspection by the public.
 - B. The time, place and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating budget.
 - C. The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.
- 2. **Adoption.** Council must adopt an annual capital program by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a capital program by December 15 then the Mayor's original capital program shall become the official capital program of the City for the ensuing fiscal year.

§913. Public Records.

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City

- G. Adopt procedures for purchasing of products, goods, or services, for the making of contracts and for the sale or lease of personal or real property of the City. (See Charter, §915⁸).

⁸Editor's Note: §915 of the Charter provides:

§915. Bidding Process.

1. Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed \$10,000, it shall be the duty of the City to have such work performed pursuant to a contract, awarded to the lowest responsible bidder (subject to subsection (2)(d)) hereof, after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, copartnership, association or corporation who, as subcontractor or otherwise has furnished material supplied or performed labor, rented equipment or services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, copartnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment.
2. Whenever the estimated costs of any purchase of supplies, materials or equipment or the rental of any equipment, whether or not the same is to be used in connection with the construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City, shall exceed \$10,000, it shall be the duty of the City to have such purchase or rental made pursuant to a contract awarded to the lowest responsible bidder (subject to subsection (2)(d)) hereof, after advertisement for bids, such advertisement to be inserted in a newspaper of general circulation in Berks County.
 - A. The City shall not evade the provisions of subsection (1) or (2) as to advertising for bids by purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under \$10,000 upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than \$10,000. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when, in either case, the transactions involved should have been made as one transaction for one price.
 - B. Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed \$4,000 but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations and written records of telephonic price quotations and memoranda shall be retained for a period of 3 years.
3. The City shall require as a condition of the award of any contract, pursuant to subsection (1) or (2) of this Section, that the contractor give to the City any bond or letter of credit (including bonds for the performance of the contract, and for the prompt payment by the contractor for material, supplies, labor, services and equipment) which are prescribed by law for contracts awarded by cities of the third class.
4. Notwithstanding anything to the contrary contained in this Section, City Council may, in those cases where an individual or company with headquarters in the City submits a bid which is within 10% of the lowest bid, award the contract to said individual or company. In acting pursuant to this provision, City Council shall find

ADMINISTRATION AND GOVERNMENT

- H. Adopt other actions which are legislative in nature.
- I. Authorize the borrowing of money.
- J. Purchase, convey or lease lands or buildings.
- K. Adopt zoning, subdivision or other land use controls.

2. **Ordinance Form and Procedure.**

- A. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Reading, Pennsylvania ordains" Any ordinance which repeals or amends an existing ordinance shall set out the full ordinance, Sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by italics.
- B. An ordinance may be introduced by any member of the Council at any regular or special meeting of the Council without vote. After introduction of any ordinance, a copy shall be distributed to each Council member and to the Mayor, and a reasonable number of copies shall be filed in the office of the City Clerk and in such other public places such as the Council may designate by resolution. (See the Charter, §§216 and 217⁹.)

that such an award will be in the best interests of the citizens of the City. The City Council must show just cause for the awarding of such contracts to locally owned companies who provide local labor, materials or produced goods.

- 5. All contracts shall be on file in the office of the City Auditor and shall be available for public inspection during normal business hours.

⁹Editor's Note: §§216 and 217 of the Charter provides:

§216. Form of Ordinance.

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject.

§217. Procedures.

- 1. The first reading of an ordinance may be introduced by any member at any regular or special meeting of the Council without vote.
- 2. After the first reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council Member and to the Mayor and shall file and make available a reasonable number of copies in the office of the City Clerk.

3. **Ordinance Requiring Prior Public Notice and Hearing.** No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least 10 days published notice in a newspaper of general circulation in the City:
 - A. Zoning ordinance and amendments thereto.
 - B. Adoption of the zoning map and amendments thereto.
 - C. Subdivision regulations.
 - D. Land development and land use regulations.
 - E. New taxes, or increases in the rate of existing taxes.
 - F. Adopt and/or amend the annual budget and capital program.
4. **Enactment of Ordinance.**
 - A. Emergency ordinance, refer to the Charter, §220¹⁰.
 - B. An action on any ordinance bill shall be at a public meeting of Council and shall be by majority vote of the Council as a whole, and attested by the City Clerk who shall affix the municipal seal and insert the dates of the Council actions. [*Ord. 24-1996*]
 - C. Five votes shall be required to:
 - (1) Override a mayoral veto.
 - (2) Approve capital projects.
5. **Recording.**
 - A. Within 7 days after enactment of an ordinance, the City Clerk shall cause to be recorded in the Municipal Ordinance Book a verbatim copy of such ordinance,

¹⁰Editor's Note: §220 of the Charter provides:

§220. Emergency Ordinance.

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance if the emergency still exists.

ADMINISTRATION AND GOVERNMENT

which shall contain a notation of the date of enactment and the name of the newspaper and date, if any, on which publication was made (see Charter, §222¹¹).

- B. It shall not be necessary to record in the Ordinance Book the full text of any ordinance where there is a specific provision in the laws of Pennsylvania permitting adoption and recording by reference or in the case of an ordinance adopting, with or without amendment or modification, any standard building, plumbing, electrical, housing, or other technical code complete in itself, for the regulation of trade, occupation or line of activity or undertaking, but in the latter cases it shall be necessary only to record the ordinance adopting the same by reference and indicating the municipal office where the complete code or ordinances shall be available.
 - C. Whenever an ordinance shall be specifically amended or repealed, the City Clerk shall cause a notation to that effect to be made in the Ordinance Book at the location where the recording of such ordinance shall commence.
 - D. Whenever an ordinance shall prescribe a condition to its becoming effective, in the nature of an acceptance by a party thereto, the meeting of such condition or the failure to meet the same shall likewise be noted by the appropriate place in the Ordinance Book.
6. **Codes of Technical Regulations.** (See the Charter, §216¹²) The Council may adopt any standard Code of Technical Regulations by reference thereto in an adopting ordinance as prescribed for ordinances generally except that:
- A. The procedures and requirements governing such adopting ordinances shall be construed to include copies of technical regulations as well as the adopting ordinance.
 - B. A copy of each adopted Code shall be attached to the adopting ordinance shall be authenticated and recorded.

¹¹Editor's Note: §222 of the Charter provides:

.§222. Recording of Ordinances.

All ordinances shall be contained in permanent separate record books. The ordinance book and all other actions taken by Council at a public meeting shall be open and available for public inspection at normal business hours in the office of the City Clerk, and a copy in the Reading Public Library.

¹²Editor's Note: §216 of the Charter provides:

§216. Form of Ordinance.

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject.

7. **Availability of Ordinances and Copies Thereof.** The ordinance book shall be open and available for public inspection during office hours and copies of ordinances shall be obtainable upon payment of a reasonable reproduction charge.
8. **Enforcement of Ordinances, Procedures and Penalties.** Unless otherwise prescribed by City ordinance or other applicable law, any violation of an ordinance shall constitute a civil violation, as defined by the laws of the Commonwealth, and shall be prosecuted in accordance with the laws of the Commonwealth and the Rules of Civil Procedure adopted by the Pennsylvania Supreme Court.
 - A. **Penalties.** Except where specific penalties are provided elsewhere by ordinance or other applicable law, any person or entity who shall violate any ordinance or any provision of any code or other regulation adopted by reference in an ordinance shall, upon adjudication and finding of a violation, pay a civil penalty not to exceed \$1000 for each offense, plus costs of prosecution and attorney's fees where authorized; all such penalties shall be collected as provided by law.
 - B. **Continuing Violations.** Each day any violation continues shall constitute a separate offense and the person or entity responsible for such violation shall be punished as provided above for each separate offense.
 - C. **Abatement of Nuisances.** In addition to the penalties and other remedies herein provided, any condition caused or permitted to exist in violation of any ordinance will be deemed a public nuisance and may be abated by the City with the costs of such abatement borne by the person or entity owning the property upon which condition exists. Such costs will be collected for the use of the City as debts by law are collected or by a municipal claim or lien filed as provided by law. Each day that such condition continues shall be regarded as a separate offense.
 - D. **Action at Law or in Equity.** In addition to the enforcement of provisions herein provided, the City may institute an appropriate action or proceeding at law or in equity against a person or entity responsible for violation of any ordinance and request either or both of the following remedies:
 - (1) To cease, correct or remove the violation.
 - (2) To enforce the penalty provisions of the ordinance or seek other remedies as are just and reasonable.
 - E. **Cumulative Penalties.** Whenever the Administrative Code or any ordinance provides alternative penalties or remedies they shall be cumulative. The imposition of any such penalty or remedy shall not prevent the city from invoking any other penalty or remedy provided therefore.

ADMINISTRATION AND GOVERNMENT

9. **Actions of Council other than Ordinance Adoption.** (See Charter, §224¹³) Other business of Council may be undertaken by adoption of resolutions, enactment of proclamations, or the approval of motions which shall require a simple majority vote of Council unless otherwise required by law.

(*Ord. 17-1996*, 6/24/1996, §2.12; as amended by *Ord. 24-1996*, 8/26/1996, §1)

§1-123. Independent Legal Counsel.

In the event either the Mayor/Administration or City Council require legal representation in an area of conflict, each party shall have the ability to select their own legal counsel independent of the City.

(*Ord. 17-1996*, 6/24/1996, §2.13; as added by *Ord. 22-1998*, 7/13/1998, §4)

§1-124. Redistricting Process.

1. After each decennial census Council shall, within 60 days after the receipt of the census information from the Federal Government, appoint a Redistricting Advisory Commission. Each Council member shall appoint one person from his/her respective district. The President of Council shall select one member to represent the at-large community. The Planning Commission will be asked to assign 2 current members to the Advisory Commission.
2. This Redistricting Advisory Commission shall review and compare the new and old census information with the current Council District configuration. This group shall prepare and present redistricting a proposal(s) to the full body of Council in no less than 120 days after their appointment
3. The district proposals shall give strong consideration to the combination of neighborhoods that are continuous but that share similar quality of life issues. This configuration will support the principle of electing representatives that can easily represent the voice of the community they represent. The Advisory Commission shall also consider the Federal redistricting laws.
4. Council shall hold a minimum of one public hearing to get public input on the redistricting proposal(s), within 45 days of their receipt of the proposals from the

¹³Editor's Note: §224 of the Charter provides:

§224. Action by Resolution or Motion.

Nothing in the Article is intended to preclude Council from taking appropriate action by resolution or motion.

Redistricting Advisory Commission and shall adopt by ordinance a redistricting plan, either new or status quo, at their next regular business meeting.

(*Ord. 17-1996*, 6/24/1996; as added by *Ord. 23-2002*, 5/28/2002, §2)

C. Mayor; Chief Executive Officer.

§1-131. Power and Duties.

The Mayor shall be the Chief Executive Officer of the City of Reading and shall have those powers and duties prescribed by law, the Charter (See §301, "The Mayor"¹⁴) and ordinance and include but not be limited to the following. The Mayor is ultimately responsible to the people of Reading for the administration of the government. This does not mean, however, that the Mayor need perform each activity mentioned below. Rather, the Mayor as the chief executive officer may assign duties as he/she deems necessary.

A. Section 308(A) through (N) of the Charter, "Powers and Duties of the Mayor."¹⁵

¹⁴Editor's Note: §301 of the Charter provides:

§301. The Mayor.

The executive, administrative and law enforcement powers of the City shall be vested in the Mayor. The Mayor shall control a accountable for the executive branch of City government, as provided by this Charter.

¹⁵Editor's Note: §308 of the Charter provides:

§308. Powers and Duties of the Mayor.

The Mayor shall have the following powers and duties:

- A. Execute, enforce, and obey the ordinances of the City and laws of the Commonwealth of Pennsylvania and the United States of America.
- B. Prepare and present a budget to City Council in accordance with the provisions of this Charter.
- C. Inform City Council and the public each January of the financial and general condition of the City.
- D. Provide Council with all information concerning finances and general conditions of the City as may be requested by Council.
- E. Introduce proposed legislation to Council and make recommendations to City Council concerning the affairs of the City.
- F. Be responsible for the hiring, with the approval of Council, of the City Managing Director.
- G. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law.
- H. Ensure that all laws, provisions of this Charter and acts of City Council, subject to enforcement by the Managing Director, are faithfully executed by the Managing Director.
- I. Be responsible for the establishment and development of administrative policy to be implemented by the Managing Director.
- J. Be present or represented at all public Council meetings. The Mayor may participate in all public discussions but shall have no vote.

ADMINISTRATION AND GOVERNMENT

- B. Section 221 of the Charter, "Submission to Mayor and Veto Power."¹⁶
- C. Section 309 of the Charter, "Appointment by the Mayor."¹⁷
- D. Section 310 of the Charter, "Removals by Mayor."¹⁸

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- K. Execute all bonds, notes, contracts and written obligations of the City.
 - L. Issue subpoenas and compulsory processes, under the official seal of the Mayor, for the attendance of such persons and the production of such books and records as deemed necessary by the Mayor, and seek enforcement of such subpoenas by the Court of Common Pleas of Berks County.
 - M. Unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of City Government.
 - N. Perform such other duties and exercise such other powers as stated in this Charter, by law or ordinance.

¹⁶Editor's Note: §221 of the Charter provides:

§221. Submission to Mayor and Veto Power.

1. Before any ordinance takes effect it must first be submitted to the Mayor for approval. The Mayor shall sign the ordinance within 10 days, if approved, but if not, shall return it to Council stating objections. Council shall at its next meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of five members of City Council.
2. If the Mayor fails within 10 days after any ordinance is submitted to him to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the 10 day period.
3. The veto power of the Mayor shall not apply to ordinances adopted by initiative or referendum.

¹⁷Editor's Note: §309 of the Charter provides:

§309. Appointment by the Mayor.

The Mayor shall appoint:

- A. One City Solicitor. Any person so appointed shall hold office unless removed during the term for which the Mayor is elected and until a successor is appointed and qualified. Four affirmative votes of Council shall be necessary for confirmation.
- B. All members of Boards, Authorities and Commissions over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.

¹⁸Editor's Note: §310 of the Charter provides:

§310. Removals by Mayor.

The Mayor may remove from office anyone appointed pursuant to §309(B), unless otherwise provided by law.

- E. Section 311 of the Charter, "Managing Director."¹⁹
- F. Section 401 of the Charter, "Appointment, Qualifications, Compensation."²⁰
- G. Section 404(1), (2) of the Charter, "Removal."²¹

¹⁹Editor's Note: §311 of the Charter provides:

§311. Managing Director.

The Mayor, pursuant to the provisions of this Charter, shall appoint a full-time officer of the City who shall have the title of Managing Director and who shall receive compensation comparable to that received by a person in a position of similar responsibilities.

²⁰Editor's Note: §401 of the Charter provides:

§401. Appointment; Qualifications; Compensation.

1. Within 90 days of taking office, the Mayor, with the approval of City Council, shall appoint a Managing Director for an indefinite term, subject to at least a biennial review, and fix the Managing Director's compensation. The Managing Director need not be a resident of the City at the time of appointment, but after appointment shall reside in the City. The Managing Director shall establish such City residency within 12 months of being appointed.
2. Any candidate for Managing Director shall:
 - A. Have a master's degree in public administration, business administration, or its equivalent, and have at least 3 years experience at an executive or administrative level.
 - B. Have a bachelors degree in public administration, or its equivalent, and have at least 5 years of experience at an executive or administrative level.
3. City Council may, by ordinance, establish additional qualifications for the position of Managing Director, prior to advertisement for the hiring of the Managing Director.
4. In the event that the position of Managing Director cannot be filled by the Mayor, the Mayor may appoint a temporary Managing Director for a period of time not to exceed 90 days. During this period of time, the Mayor shall continue to use all available means to fill the position.
5. In the event the Mayor has not filled the position of Managing Director within 180 days of taking office, City Council shall, within 90 days thereafter, hire a Managing Director. Any person hired by City Council shall hold the qualifications for said position prescribed by this Charter. The Mayor shall not have the power of veto over any candidate hired by City Council in accordance with the provisions of this Charter.

²¹Editor's Note: §§404(1) and (2) of the Charter provides:

§404. Removal.

1. The Managing Director may be removed from office by the Mayor at any time, without cause.
2. At least 15 days prior to the removal from office, the Mayor shall notify the Managing Director and City Council in writing of such removal.

ADMINISTRATION AND GOVERNMENT

- H. Section 603 of the Charter, "Heads of Department, Offices, and Agencies."²²
- I. Section 706 of the Charter, "Compensation of Heads of Departments, Offices, and Agencies."²³
- J. Section 801 of the Charter, "City Solicitor, Qualifications and Responsibilities."²⁴
There shall be one full-time City Solicitor. Temporary solicitors may be engaged as the need arises. That need may be in areas such as labor relations and tax administration (to mention but a few), or for specific cases. The Mayor will make that determination.

²²Editor's Note: §603 of the Charter provides:

§603. Heads of Departments, Offices, and Agencies.

1. **Appointment.** Except as otherwise provided by this Charter, the Mayor shall appoint and remove the head of any department, office and agency. An appointment shall not be effective unless City Council by resolution confirms it or fails to reject it within 60 days after the appointment. The appointee shall serve unless rejected by City Council or until removal from office, whichever is sooner.
2. **Removal.** The Mayor shall have the power at any time to remove the head of any department, office or agency immediately under the Managing Director's direction and supervision, but the Mayor shall within 14 days notify in writing City Council of the removal and the reason for it.

²³Editor's Note: §706 of the Charter provides:

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

²⁴Editor's Note: §801 of the Charter provides:

§801. Qualifications and Responsibilities.

1. The Mayor shall appoint, with the approval of Council, a Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor, as head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council, and all City departments and agencies; and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law, by this Charter, by the City Administrative Code or action of Council. It is the intent of this Charter that only one person shall be the legal advisor of the City except as may be otherwise required by law.
2. The Mayor, with the approval of Council, shall have the power, if needed, to engage other temporary solicitors to represent the City as the need may be. Such appointments shall be temporary and shall be for the purpose of representing the City in specific individual legal matters. Such representation shall be secured by requests for proposal.

- K. Section 902 of the Charter, "Submission of Balanced Budget and Capital Program."²⁵
- L. Section 904 of the Charter, "Budget."²⁶

²⁵Editor's Note: §902 of the Charter provides:

§902. Submission of Balanced Budget and Capital Program.

On or before 90 days prior to the ensuing fiscal year the department heads will submit proposed budget and capital program to the Managing Director. On or before 60 days prior to the ensuing fiscal year the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

²⁶Editor's Note: §904 of the Charter provides:

§904. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- A. It shall begin with a general summary of its contents.
- B. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
- C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
- D. It shall show the number of proposed employees in every job classification.
- E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.
- F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.
- G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual budget and submit to Council with appropriate supporting information as to the necessity for such programs.
- H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

ADMINISTRATION AND GOVERNMENT

M. Section 905(B) of the Charter, "Amendment (Budget) Before Adoption."²⁷

N. Section 908 of the Charter, "Amendments (Budget) After Adoption."²⁸

O. Section 910 of the Charter, "Administration of the Budget, and Capital Program."²⁹

P. Section 911 of the Charter, "Capital Program."³⁰

²⁷Editor's Note: §905(B) of the Charter provides:

§905. City Council Action on Budget.

- B. The time, place and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.

²⁸Editor's Note: §908 of the Charter provides:

§908. Amendment After Adoption.

1. Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of §220 of this Charter.
2. Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriate revenues in excess of those estimated in the budget.
3. Transfer of appropriations may be made in accordance with provision of the Administrative Code [Chapter 1, Part 1].

²⁹Editor's Note: §910 of the Charter provides:

§910. Administration of the Budget and Capital Program.

The Mayor shall be responsible for and with the assistance of the Managing Director shall supervise the administration of the annual and capital budgets.

³⁰Editor's Note: §911 of the Charter provides:

§911. Capital Program.

1. **Submission to City Council.** The Mayor shall prepare and submit to the City Council a 5 year capital program no later than the final date for submission of the budget.
2. **Contents of Capital Program.** The capital program shall include:
 - A. A clear general summary of its contents.
 - B. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessity for each.

-
- C. Cost estimates and recommended time schedules for each improvement of other capital expenditure.
 - D. Method of financing, upon which each capital expenditure is to be reliant.
 - E. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
 - F. All capital projects must be included in the capital program budget.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- 3. **Financing Capital Projects.** Bonds required for financing capital projects shall be secured by competitive bidding.
- 4. **Capital Projects Approved.** Proposed capital projects in the capital programs must be considered on their own individual merits by the Finance Manager, the City Auditor and the proposer of the project. The procedures to approve the individual capital projects are:

A. **Preliminary Feasibility Study.** The capital project preliminary feasibility study shall include:

- (1) A clear general summary of its purpose and justification.
- (2) The cost estimates and time schedule for the capital project including the cost of the post project completion audit.
- (3) The method of financing and sources upon which this capital project is reliant.
- (4) The annual cost of operating and maintaining the project to be constructed or acquired.

The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

B. **Final Proposal and Financing.** The final capital project proposal and financing shall include:

- (1) A clear general summary of its purpose and justification.
- (2) The cost estimates and time schedule for the capital project including the cost of the post project completion audit.
- (3) The method of financing and sources upon which this capital project is reliant.
- (4) The annual cost of operating and maintaining the project to be constructed or acquired.
- (5) This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice, §912). Capital project replaces capital program. The final Council approval of capital projects will require five votes to approve.

C. **Capital Project Reporting.**

- (1) **Current Projects.** All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.
- (2) **Extended Projects.** If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained the project must go through subsection (3)(A) and

ADMINISTRATION AND GOVERNMENT

- Q. Section 914 of the Charter, "Independent Audit."³¹
- R. Section 1201(3) of the Charter, "Board of Ethics."³²
- S. Section 1203 of the Charter, "Review of Charter."³³

(B).

5. **Post Project Completion Audit.** Following completion of the capital project a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

³¹Editor's Note: §914 of the Charter provides:

§914. Independent Audit.

The Council shall provide for an annual independent audit to be completed and submitted to the Mayor within 180 days of the close of the fiscal year. It shall include City receipts, expenditures, accounts and reports by a Pennsylvania certified public accountant or a certified public accounting firm, experienced in municipal finance, having no personal interest, direct or indirect, in the fiscal affairs of the City or any of its elected or appointed personnel. The Council may provide for more frequent audits at its discretion. Within 30 days of completion, the Mayor shall present to the Council the results of the annual audit and a financial statement of the fiscal affairs of the City, with the results of the independent auditor's survey of internal control and any recommendations thereon. The evaluation of the internal control shall take the form of a management letter. This management letter shall be submitted to the City Council after every audit. A summary of the annual audit of the independent auditor shall be published at least once in one or more newspapers of general circulation in the City within 30 days after submission to the Mayor. The annual audit shall be conducted in accordance with generally accepted auditing standards. The financial report shall be prepared in accordance with generally accepted accounting principles, and shall include a balance sheet for each fund, and on a consolidated fund basis reflecting all current assets, current liabilities and fund balances. The Council shall designate such accountant or firm annually or for a period not exceeding 3 years.

³²Editor's Note: §1201(C) of the Charter provides:

§1202. Conflict of Interest and Code of Ethics.

- (C) Act in a private capacity on matters dealt with as a public official or employee.

³³Editor's Note: §1203 of the Charter provides:

§1203. Review of Charter.

At least every 10 years, except for the initial Charter review which shall take place under this provision no sooner than 5 years but no later than 10 years after the effective date of this Charter, City Council and the Mayor shall appoint a Charter Review Commission composed of 11 members, the majority of whom shall not be City officials or employees. Seven members of this Commission shall be appointed by City Council and four members shall be appointed by the Mayor. All appointees shall be current residents and registered voters of the City. The Charter Review Commission shall review the current Charter, submit a report to City Council, the Mayor, and the citizens of the City, within 6 months of its appointment, and recommend any proposed amendments to the Charter. All proposed amendments shall be placed on the ballot no later than the next municipal election. City Council shall provide appropriations for the reasonable expenses incurred by the Charter Review Commission.

T. Section 1307(3) of the Charter, "Personnel Action."³⁴

U. Shall have the authority to administer oaths and affirmations in relation to any matter regarding the authentication of an account or claim or demand of or against the City, but shall not be entitled to receive any fee therefore.

(Ord. 17-1996, 6/24/1996, §3.01)

§1-132. Independent Legal Counsel.

In the event either the Mayor/Administration or City Council require legal representation in an area of conflict, each party shall have the ability to select their own legal counsel independent of the City.

(Ord. 17-1996, 6/24/1996, §3.02; as added by Ord. 22-1998, 7/13/1998, §5)

§1-133. Termination of Department Directors.

1. Definitions.

CITY COUNCIL - the elected or appointed City Council persons of the City of Reading.

DEPARTMENT DIRECTOR - any person employed by the City of Reading as the Finance Director, Managing Director, Public Works Director, Director of Human Resources, Chief of Police, Chief of the Department of Fire and Rescue Services, Director of Community Development or City Solicitor. A department director shall also include any such person who is employed by the City of Reading as the acting director of any of the aforementioned departments for a period of more than 6 months.

MAYOR - the Chief Executive Officer of the City of Reading.

TERMINATION - action taken by the Mayor or the City Council which ends the employment of one or more of the aforementioned department directors.

³⁴Editor's Note: §1307(3) of the Charter provides:

§1307. Personnel.

3. **Personnel Action.** Until approval by City Council of the Personnel Code required by §703, the Mayor, in consultation with the Managing Director, shall have the power to establish by written directive a personnel system for all employees. All appointments and promotions, except additions to the exempt service, shall be made on the basis of merit and fitness. All personnel actions shall be in accordance with the provisions of a personnel system established by such written directive. Copies of all such directives shall be forwarded by the Mayor to City Council within 24 hours after being issued.

ADMINISTRATION AND GOVERNMENT

TERMINATION FOR CAUSE - an act of the Mayor or the City Council which ends the employment of any of the aforementioned department directors for the following reasons: violation of the City of Reading's residency requirement, conviction of any criminal act relating to employment with the City, conviction of a felony, conduct which violates the City's established work rules or for inability to perform the tasks associated with one's employment.

2. **Severance Package.**

- A. **Termination for Reasons Other Than Just Cause.** Any department director terminated for reasons other than just cause shall receive a payment equal to salary payments the department head would have received over a 12 week period at the department director's current rate of pay in effect on the day prior to the date of termination. Any department director receiving a payment equal to 12 weeks worth of pay at the rate he was receiving on the day prior to his termination shall not receive any other monetary compensation from the City of Reading at the time of his termination including, but not limited to, payment for any accrued vacation time or compensatory time which had been earned prior to termination.
- B. **Termination for Just Cause.** Any department director terminated for just cause shall receive a payment equal to any accrued and unused vacation days as tabulated by the Department of Human Resources on the day prior to the date of termination.
- C. **Compensatory Time.** Upon termination for any reason, no department director of the City of Reading shall receive a payment for any unused or accrued compensatory time.
- D. **Health Benefits.** Any department director terminated for a reason other than just cause shall receive medical benefits provided for by the City of Reading at the same level he/she was receiving on the date prior to his/her termination for a period not to exceed 90 days. Local benefits provided by the City of Reading shall cease on the 90th day following the termination of the department director or when the department director secure health and medical insurance through attainment of other employment, whichever comes first. Any department director terminated for just cause shall only receive the medical benefits which the City of Reading is required to provide any employee at the time of his/her termination.

3. **Information Hearing Following Termination for Just Cause.**

- A. **Notice of Termination for Just Cause.** Any department director terminated for just cause shall be provided with a written notice of proposed termination which contains the reasons and factual basis for such action.
- B. **Hearing.** Within 7 days of receiving notice of termination the department director may request an opportunity to respond to the reasons provided by the Mayor for his/her termination. If a request for such a hearing is made the Mayor shall

conduct a meeting, which may be in form or nature, that which the department director may respond to the reasons given for his proposed termination. At such meeting the department director may be represented by an attorney of his choosing and present evidence or information relevant to the reasons and factual basis set forth in the notice of proposed termination. After such hearing the Mayor may do one of three things: he may rescind the notice of proposed termination which was served upon the department director, he may convert the department director's termination into a termination for reasons other than just cause or he may maintain the termination for just cause.

(*Ord. 17-1996*, 6/24/1996; as added by *Ord. 42-1999*, 12/27/1999, §1)

D. Managing Director; Chief Administrative Officer.

§1-141. Power and Duties.

The Managing Director shall be the Chief Administrative Officer of the City of Reading responsible to the Mayor for the Administration of all City affairs placed in the Managing Director's charge pursuant to the Charter. The power and duties prescribed by law, the charter and ordinance shall include but not be limited to the following:

- A. Section 406 of the Charter, "Power and Duties."³⁵
- B. Section 402 of the Charter, "Approval by Council".³⁶

³⁵Editor's Note: §406 of the Charter provides:

§406. Powers and Duties.

The Managing Director shall be the chief administrative officer of the City, responsible to the Mayor for the administration of all City affairs placed in the Managing Director's charge pursuant to this Charter. In addition to other powers and duties prescribed by this Charter, the Managing Director shall:

- A. Execute and enforce the provisions of this Charter and all ordinances, resolutions, and motions of City Council.
- B. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
- C. Appoint, suspend, or remove any City employee, except as otherwise provided by this Charter or by law.
- D. Prepare and submit to the Mayor on an annual basis a five-year financial plan and a budget.
- E. Supervise and direct the negotiation and administration of any collective bargaining agreements with City employees.
- F. Submit to the Mayor a complete report of the finances and administrative activities of the City within 30 days of the end of each fiscal year.
- G. Assure that the laws of the Commonwealth relating to the affairs and government of the City are faithfully executed and enforced.
- H. Present to the Mayor from time to time such information concerning the business and affairs of the City as the Managing Director may deem necessary, or as City Council by motion may request; and recommend such measures for legislative action as are believed to be in the best interests of the City.
- I. Perform such other duties as are specified in this Charter or may be required by the Mayor or City Council.

³⁶Editor's Note: §402 of the Charter provides:

§402. Approval by Council.

City Council approval shall be necessary for the hiring of the Managing Director appointed by the Mayor. Such

ADMINISTRATION AND GOVERNMENT

- C. Section 312 of the Charter, "Deputy Mayor."³⁷
- D. Section 902 of the Charter, "Balanced Budget and Capital Budget."³⁸
- E. Section 910 of the Charter, "Administer Annual Capital Budget."³⁹
- F. Designate himself or some other officer or employee to perform the duties of any office or position in the administrative service under the supervision of the Managing Director during a vacancy, absence, or disability of an incumbent.
- G. Prescribe such rules and regulations as shall be deemed necessary or expedient for the conduct and operation of administrative departments and revoke, suspend, or amend any rule or regulation of the administrative service.
- H. Investigate or inquire either personally or through a person designated by the Managing Director into the operation of any department, division, or office under the Managing Director's authority.
- I. Establish committees and appoint its members within the administrative service for the purpose of considering and resolving administrative problems.

approval shall be made within 30 days from the date of the appointment. If no action is taken by City Council within such period, the approval of the hiring of the candidate shall be automatic.

³⁷Editor's Note: §312 of the Charter provides:

§312. Deputy Mayor.

In the event of the Mayor's temporary absence from the City, or temporary disability, the Managing Director shall act as Deputy Mayor. The Deputy Mayor shall exercise all the duties of the Mayor, except the power of appointment or removal from office.

³⁸Editor's Note: §902 of the Charter provides:

§902. Submission of Balanced Budget and Capital Program.

On or before 90 days prior to the ensuing fiscal year the department heads will submit proposed budget and capital program to the Managing Director. On or before 60 days prior to the ensuing fiscal year the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

³⁹Editor's Note: §910 of the Charter provides:

§910. Administration of the Budget and Capital Program.

The Mayor shall be responsible for and with the assistance of the Managing Director shall supervise the administration of the annual and capital budgets.

- J. Consult with department directors before initiating new policies and procedures.
- K. Assign any employee of the administrative service to any department requiring the services of that employee, provided, however, that such assignment is appropriate to and consistent with the personnel system's classification of the employee and applicable personnel rules and regulations.
- L. Investigate and dispose of, or to designate an officer to investigate and dispose of all complaints regarding city services and report to the Mayor thereon. All complaints regarding City services shall be referred to the Office of the Managing Director.
- M. Responsibility for oversight and management of all administrative support services relating to (1) developing, designing and administering the City computer system, which includes records management, software needs and coordinating technology application, and (2) administering the internal communication system and providing liaison support to boards, authorities and commissions.
- N. **Information Technology.**
 - (1) **Function.** The Division of Information Technology shall be responsible for developing, designing, and administering the City computer system which includes records management, software needs, and coordinating technology application. Additionally it shall administer the internal communication system. Finally, it shall provide liaison support to boards, authorities and commissions.
 - (2) **Division Manager.**⁴⁴ The Division of Information Technology shall be headed by a Manager who shall be responsible to the Managing Director for the performance of the Division, and for all other responsibilities and obligations that the Managing Director may from time to time assign consistent with the law, Charter or ordinance.

⁴⁴Editor's Note: §§604 and 706 of the Charter provides:

§604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See §706.)

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

ADMINISTRATION AND GOVERNMENT

- (3) **Divisions Manager Qualifications.** Charter §§604 and 706 speak to general qualifications. The minimum requirements for this position are a bachelor's degree or its equivalent plus 3 years of management technology experience.
- (4) **Division Manager Duties.** The duties and responsibilities of the Manager shall include, but not be limited to the below. He/she shall direct personally and through subordinates the performance of these duties and responsibilities.
 - (a) Develop and administer computer system services for City departments.
 - (b) Assist department directors in designing and implementing computer systems for record management and in developing software needs.
 - (c) Communicate appropriate new technologies, products and software and hardware systems to department directors.
 - (d) Develop and administer communication system for departments that includes e-mail, telephone, mail and duplication services.
 - (e) Provide liaison services to those boards, authorities, and commissions that are not directly linked to other departments.

[*Ord. 42-2004*]

(*Ord. 17-1996*, 6/24/1996, §4.01; as amended by *Ord. 42-2004*, 10/11/2004, §1)

E. City Auditor.

§1-151. Power and Duties.

The City Auditor shall have financial oversight of the City of Reading finances and shall have those powers and duties prescribed by law, Charter or ordinance and include but not be limited to the following:

- A. Section 503(A) through (L) of the Charter, "Responsibilities."⁴⁰
- B. Section 911(4) of the Charter, "Capital Projects Approved."⁴¹

⁴⁰Editor's Note: §503(A) through (L) of the Charter provides:

§503. Responsibilities.

The City Auditor shall:

- A. Have financial oversight of City finances, independent of the executive and legislative branches and shall review all expenditures of the Mayor, City Council, and City boards, commissions and agencies.
- B. Review the annual budget before approval by City Council, and make nonbinding recommendations to City Council for consideration.
- C. Be present or represented at all Council meetings.
- D. Perform specific audits of City finances from time to time as determined by the City Auditor or City Council.
- E. Report to Council on the progress of the implementation of any recommendations as found in the annual audit and management letter.
- F. Assist in all audits conducted by independent auditors.
- G. Assure the accurate and timely completion and submittal of audit reports along with appropriate follow-up recommendations.
- H. Furnish to City Council, the Mayor, the Managing Director, and others, as appropriate, periodic reports of audits conducted.
- I. Interpret and communicate audit policies and procedures to all City management and staff.
- J. Direct internal financial security and loss investigation activities.
- K. Prepare an annual budget for the office of City Auditor and operate the office of City Auditor within approved budget limitations.
- L. Issue any subpoenas in order to fulfill the duties and responsibilities of the office of City Auditor.

⁴¹Editor's Note: §911(4) of the Charter provides:

- 4. **Capital Projects Approved.** Proposed capital projects in the capital programs must be considered on their own individual merits by the Finance Manager, the City Auditor and the proposer of the project. The procedures

ADMINISTRATION AND GOVERNMENT

C. Conduct audits of petty cash funds as appropriate.

(Ord. 17-1996, 6/24/1996, §5.01)

to approve the individual capital projects are:

A. **Preliminary Feasibility Study.** The capital project preliminary feasibility study shall include:

- (1) A clear general summary of its purpose and justification.
- (2) The cost estimates and time schedule for the capital project including the cost of the post project completion audit.
- (3) The method of financing and sources upon which this capital project is reliant.
- (4) The annual cost of operating and maintaining the project to be constructed or acquired.

The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

B. **Final Proposal and Financing.** The final capital project proposal and financing shall include:

- (1) A clear general summary of its purpose and justification.
- (2) The cost estimates and time schedule for the capital project including the cost of the post project completion audit.
- (3) The method of financing and sources upon which this capital project is reliant.
- (4) The annual cost of operating and maintaining the project to be constructed or acquired.
- (5) This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice, §912). Capital project replaces capital program. The final Council approval of capital projects will require five votes to approve.

C. **Capital Project Reporting.**

- (1) **Current Projects.** All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.
- (2) **Extended Projects.** If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained the project must go through subsection (3)(A) and (B).

F. City Clerk.

§1-161. Duties.

The duties of this position will include but are not limited to the following:

- A. Serves as Director of the legislative branch.
 - B. Performs general oversight and coordination of the legislative action of City Council.
 - C. Makes recommendations to City Council on policy, regulations, practices and issues concerning the City of Reading.
 - D. Serves as liaison between City Council and other officials.
 - E. Acts as representative of Council at meetings and events when so directed by City Council.
 - F. Explains City Council procedures and answers questions on City Council business from the public, press and administration.
 - G. Performs varied public relations activities for City Council and the City of Reading to promote City issues and initiatives.
- 2. The City Clerk shall attest to the signature of the Mayor on all appropriate City documents and contracts. In the event of an emergency and the City Clerk should be absent, a notary employed by the City of Reading may attest to the Mayor's signature. A photocopy of the document shall be provided to the City Clerk.
 - 3. The City Clerk authorizes the validity of various documents for use in court. In the event of the City Clerk's absence, the President or Vice President of Council may authorize the validity of any Council related document, code or ordinance

(*Ord. 17-1996*, 6/24/1996, §6.01; as amended by *Ord. 28-1998*, 10/26/1998, §1)

G. City Health Officer

§1-171. Duties of City Health Officer.

The City Health Officer is appointed by the Mayor and reports to the Director of Community Development where the office and budget is located. Qualifications for this position are experience and training in public health. This person must be certified by the Pennsylvania Department of Health. He/She shall have the following duties and responsibilities as prescribed by the law, Charter and ordinance, and include but not be limited to the following:

- A. Perform the obligations and functions of the City Health Administrator.
- B. Perform and/or assign responsibility for restaurant inspections, review inspections, issue citations, and close if necessary.
- C. Evaluate and issue handicap parking privilege.
- D. Provide inoculations as required.
- E. Collaborate with Director of Human Resources in workers compensation, sick leave, family leave, and/or any other health-related issues.
- F. Perform and/or assign responsibility for health inspections of trash trucks.
- G. Provide professional expertise to the lead abatement program.
- H. Administer the animal-bite program.
- I. Provide required reports to the State/Federal governments.

(Ord. 17-1996, 6/24/1996, §7.01)

H. Department Organization.

§1-181. Administrative Organization.

The administrative service of the City of Reading shall be under the managing director (with the exception of the City Solicitor) and be comprised of the following Department and directors thereof:

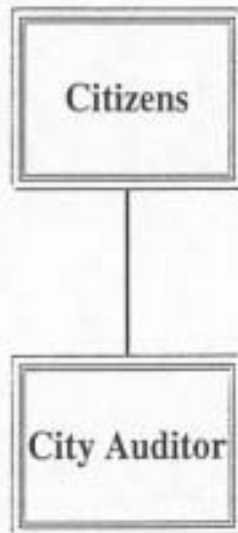
Department of Finance	Director
Department of Human Resources	Director
Department of Public Works	Director/Engineer
Department of Community Development	Director
Department of Police	Chief
Department of Fire and Rescue Services	Chief

The Department of Law is headed by the City Solicitor who reports to the Mayor and is not considered a part of the administrative service.

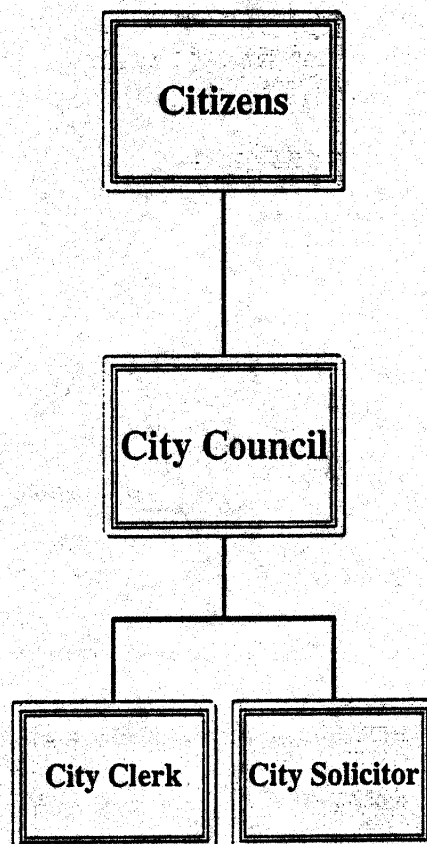
(*Ord. 17-1996*, 6/24/1996, §8.01; as amended by *Ord. 14-2001*, 5/29/2001)

§1-182. Chart. (See following pages.)

City of Reading

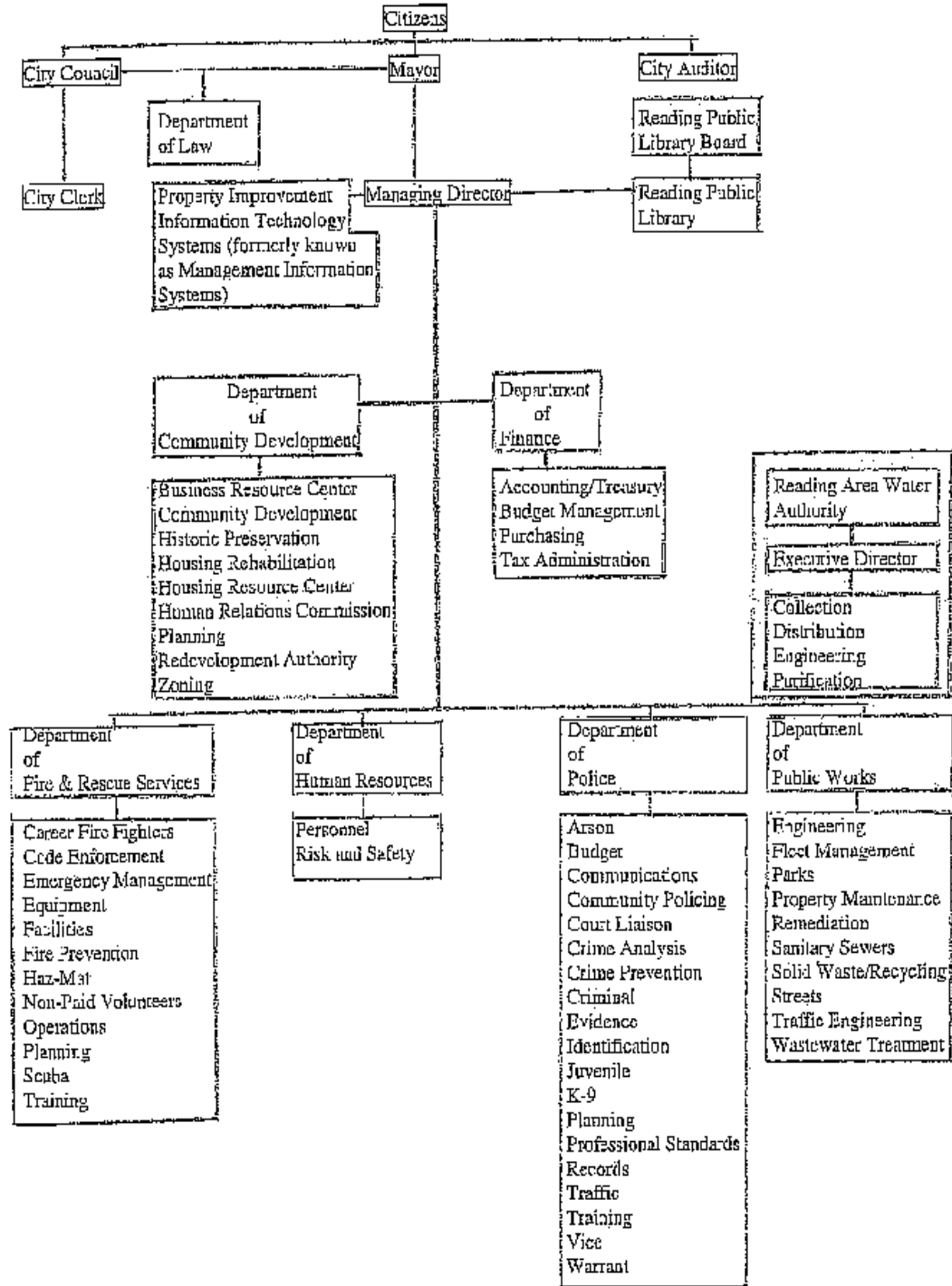


City of Reading



ADMINISTRATION AND GOVERNMENT

CITY OF READING

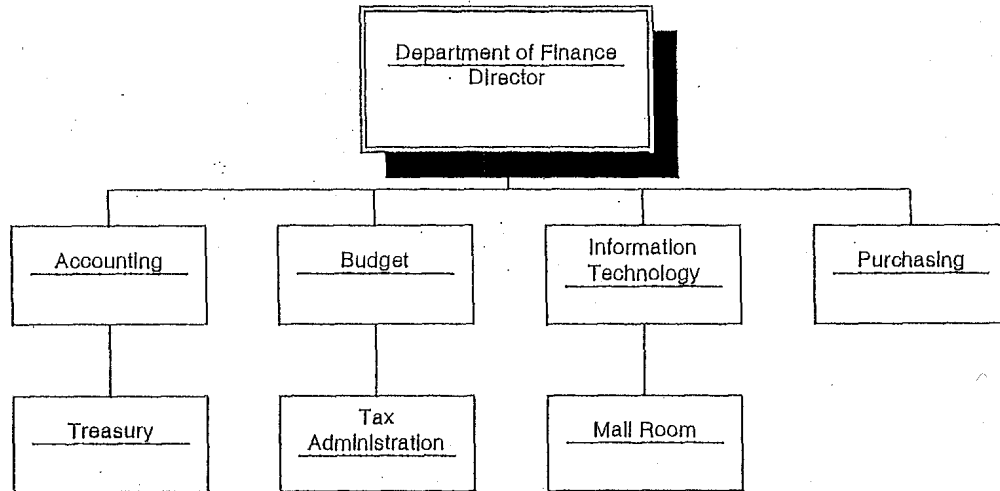


[Ord. 42-2004]

City of Reading



City of Reading

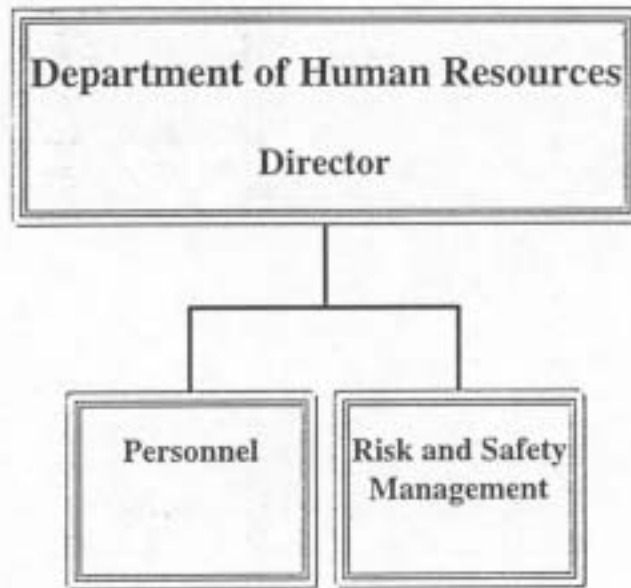


[Ord. 28-2001]

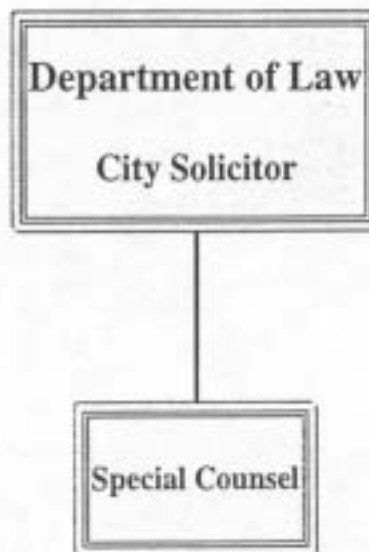
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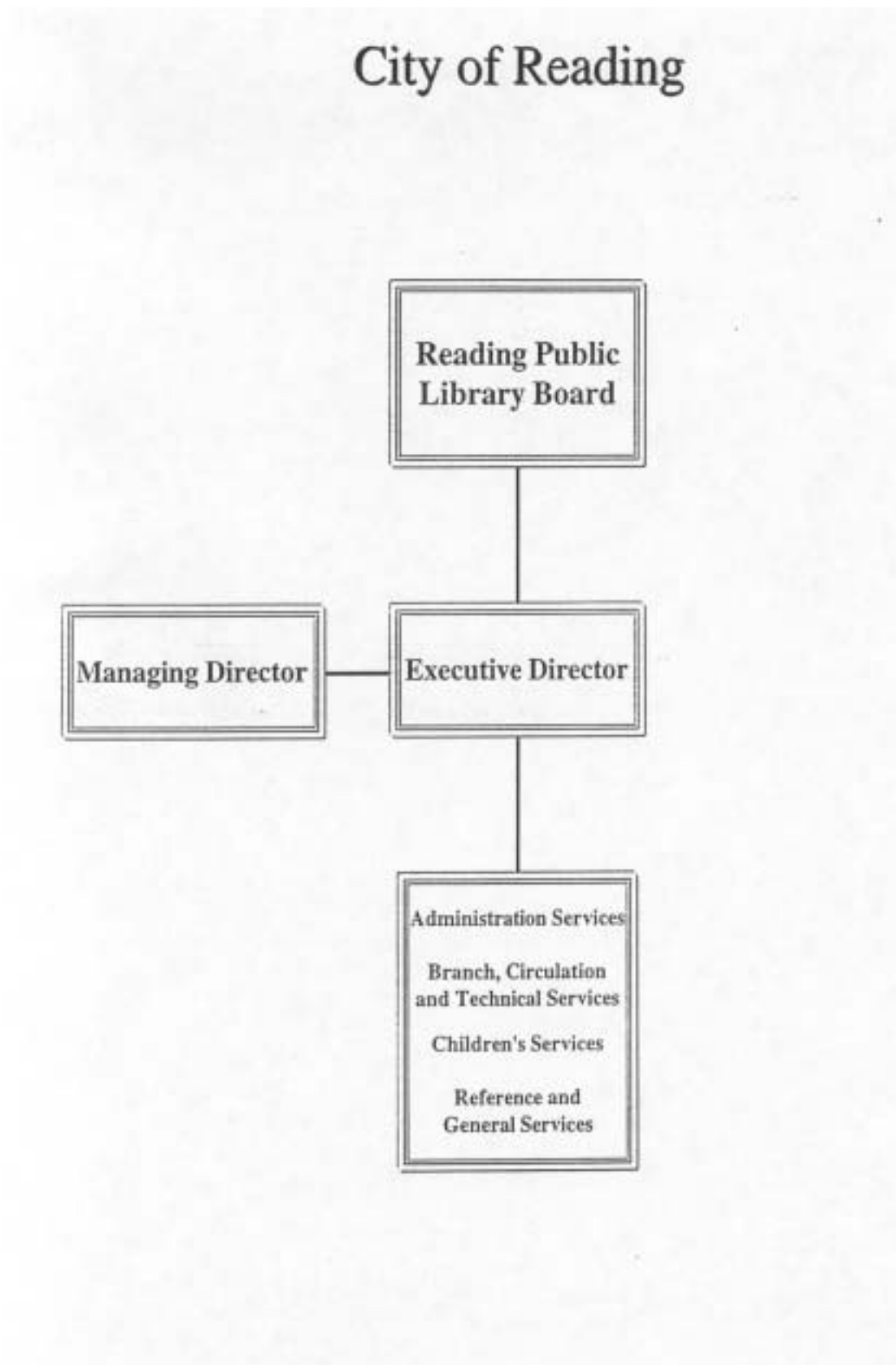


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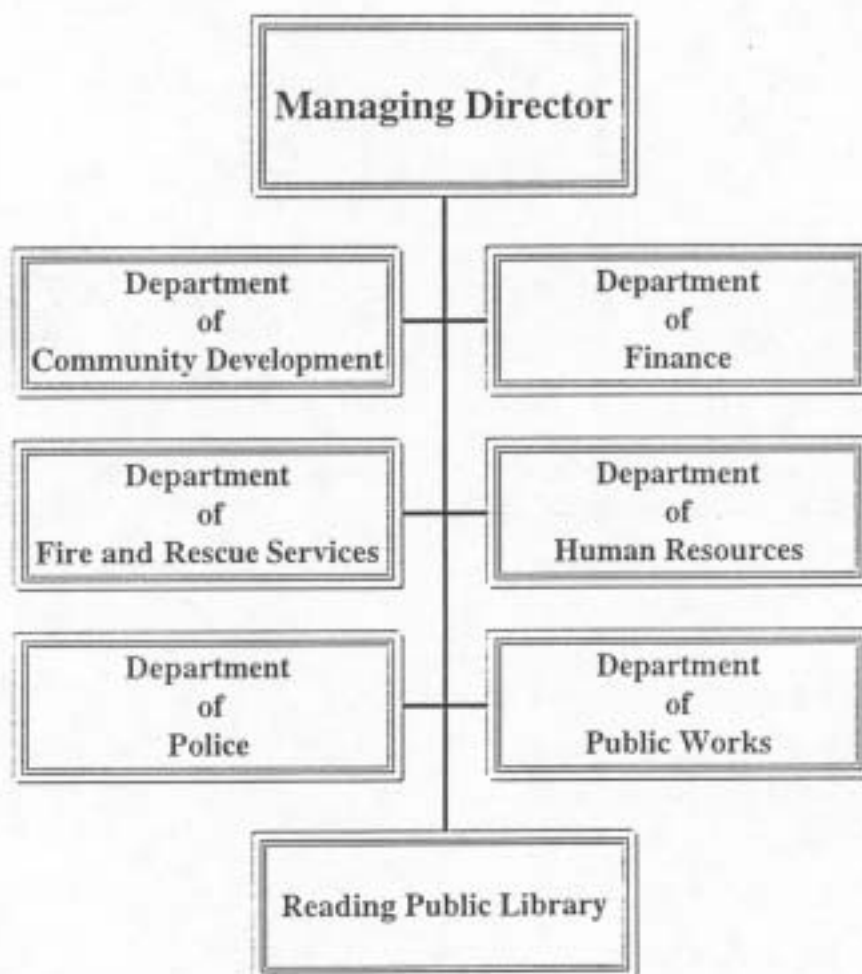


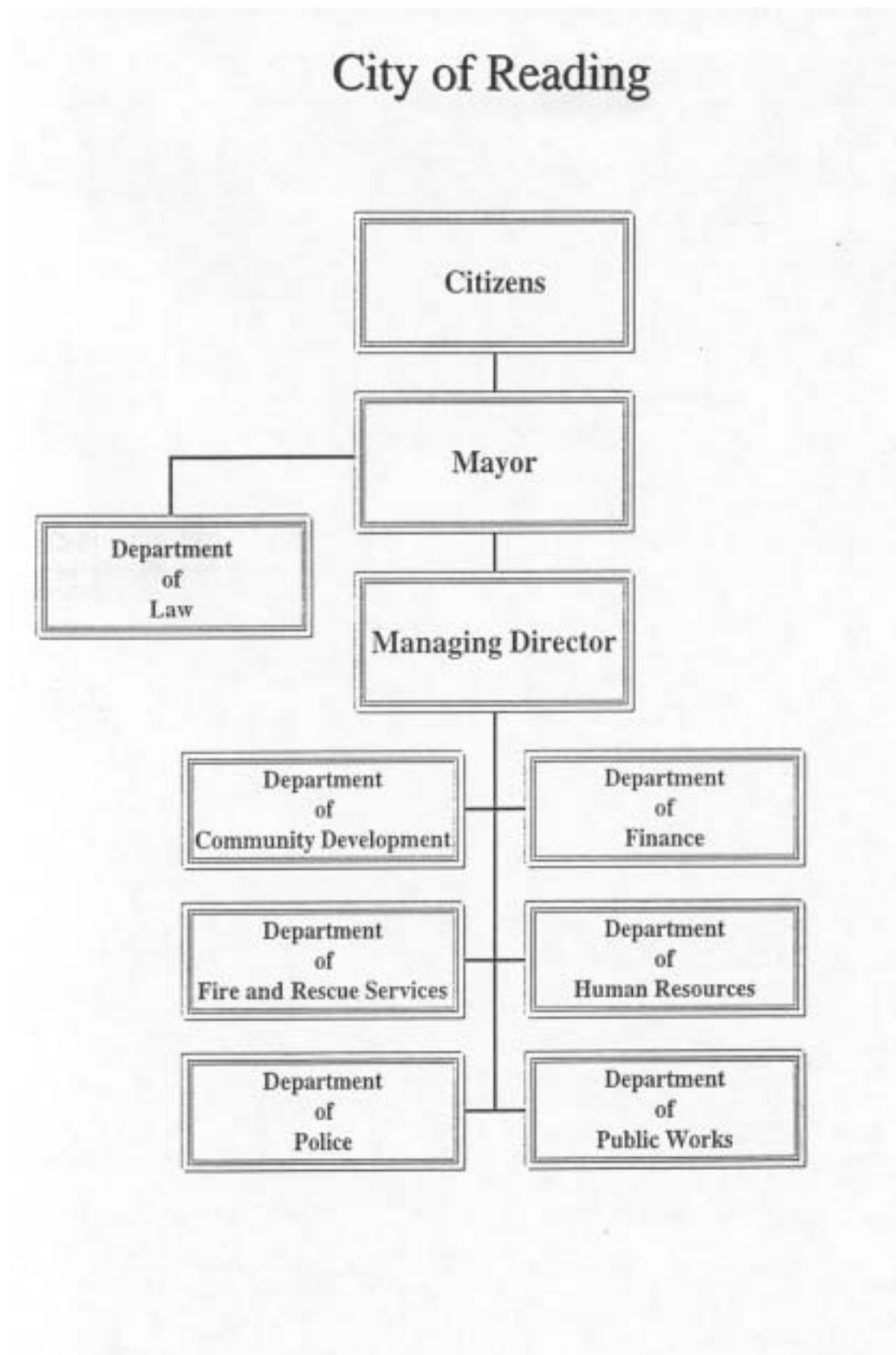
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City of Reading



ADMINISTRATION AND GOVERNMENT

(*Ord. 12-1996*, 6/24/1996, §8.02; as amended by *Ord. 14-2001*, 5/29/2001; by *Ord. 28-2001*, 8/27/2001, §1; and by *Ord. 42-2004*, 10/11/2004, §1)

§1-183. Department Directors.

All Department Directors shall be appointed by the Mayor with the approval of Council as stipulated in the Charter. They shall be selected solely on the basis of education, training, experience, professional, executive and administrative abilities pertinent to the function, duties, and operations of their respective departments and as prescribed by law. Department directors, with the exception of the City Solicitor who reports to the Mayor, serve under the managing director's direction and supervision.

- A. Acting Department Directors appointed by the Managing Director may serve no more than 180 days. Council may agree to extend said term for additional 90 day period by resolution upon request by the Mayor and upon satisfactory proof that the Mayor and/or Managing Director have made a diligent effort to recruit and hire a department director.
- B. An acting department director who has been appointed to serve as department director but who fails to be confirmed by vote of Council shall continue to serve as acting director no longer than a period of 30 days from the date of the negative vote by Council, unless Council agrees to extend for 90 day period(s) as set forth in the preceding subsection.
- C. No appointed person shall serve as acting department director or temporary manager unless employed by the City of Reading prior to such appointment or approved by City Council resolution. Council shall, within 30 days, approve the acting director/manager appointment or the appointment shall be deemed approved.
- D. Whenever the acting department director or temporary manager is absent due to vacation, illness or injury, the person filling that position shall designate a qualified employee from the existing department staff to head the department until the acting department director or temporary manager returns to duty. (See also §1-278, "Temporary Reassignment.")
- E. Whenever the department director position is vacant due to removal, resignation, retirement, permanent disability or death, the Managing Director shall appoint a qualified employee from the department [to] the acting director position, as is required in §1-141(F) of this Chapter, until such time as the Mayor nominates a replacement to City Council and City Council approves the nomination. (See also §1-278, "Temporary Reassignment.")
- F. All Department Directors shall have an annual performance review within 45 days of their anniversary date, or 1 year after their previous increase date, completed by the Managing Director and reviewed by the Mayor. No Director will receive

more than one increase per year in any calendar period. The performance evaluations shall be made available for Council Members to review. Any salary increase for Department Directors shall be based on the performance evaluations and the criteria specified in the salary range policies, where applicable, for each position. The Solicitor shall have an annual performance review completed by the Mayor and Members of Council. Any salary increase for the Solicitor shall be based on the performance review and the criteria specified in the salary range for the Solicitor position. [*Ord. 15-2002*]

(*Ord. 17-1996*, 6/24/1996, §8.03; as amended by *Ord. 51-1996*, 1/13/1997, §1; and by *Ord. 24-2000*, 11/27/2000, §1; by *Ord. 38-2001*, 11/13/2001, §1; and by *Ord. 15-2002*, 4/22/2002, §2)

§1-184. Duties.

1. Direct personally and through subordinates the performance of all functions, duties and operations assigned to and required of the department and its subordinate units by law, the Charter or ordinance and such other activities as may be required by the Mayor and/or the managing director that are not in conflict with law, the Charter or ordinance.
2. Develop and prescribe the internal organization of the department and its subordinate units, subject to the approval of the managing director, and in accordance with applicable provisions of law, the Charter, or ordinance.
3. Assign duties and responsibilities, to subordinate officers and employees within the department and modify those assignments consistent with and in response to the changing exigencies of service, subject to the approval of the managing director.
4. Develop and prescribe, in written form, an administrative manual of policies and procedures for the department subject to the approval of the managing director.
5. Prepare and submit departmental budget requests in accordance with schedules, forms, and policies as prescribed by the managing director and in accordance with the Charter.
6. Prepare and submit reports prescribed by the managing director.
7. Cooperate with and furnish to any department or unit of the City any information (except confidential information), service, labor, material, and equipment that may be necessary to perform a municipal function.
8. Be aware of and coordinate the activities of the department with appropriate area wide regional and intergovernmental programs; keep the managing director informed of the activities and policies of such programs as they affect the department or the City and make analyses and recommendations regarding such activities and policies when appropriate.

ADMINISTRATION AND GOVERNMENT

9. Administer and evaluate intergovernmental contracts and agreements as they relate to departmental functions.
10. Develop and maintain internal administrative and budgetary controls and productivity and performance standards to assure maximum levels of quality and quantity of service within budgetary limitations.
11. Keep abreast of developments in administrative policies, management techniques, technological advances and make recommendations to the managing director concerning actions of Council or administrative regulations for the utilization of those policies, techniques and technologies deemed to be in the best interests of the department and the City.
12. Keep abreast of all State and Federal laws and municipal ordinances and administrative regulations relating to the functions of the department.
13. Serve as a member of any committee or as a staff officer or provide staff services to any authority, board, or commission to which the department director may be assigned by the managing director.
14. Develop personnel planning and employee development plans annually for the department, including the planning and execution of appropriate training and education programs.
15. Establish and enforce rules and regulations for the use of municipal facilities and services and issue such licenses and permits as may be required by ordinance where applicable.
16. Develop and recommend to the managing director uniform rate structures for those services for which user fees are charged where applicable.

(Ord. 17-1996, 6/24/1996, §8.04)

§1-185. Department of Finance.

1. **Function.** The Department of Finance shall be responsible for the administration of activities pertaining to the receipt, accounting, expenditure, investment, custody, and control of the City funds except to the extent that such activities are expressly charged by law, the law, Charter, or ordinance to any other City unit. Furthermore, it shall be responsible for all City purchasing. Additionally, its responsibilities include tax administration, budget preparation, insurance, and pension administration.
2. **Department Director.** The Department Director shall be responsible to the Managing Director for the function and performance of the department.

3. **Department Director Qualifications.**⁴² Charter §§604 and 706 speak to general qualifications. Charter §607 specifies that the minimum requirements for the Director of Finance is a bachelor's degree in business administration or management; master's degree is preferred.
4. **Department Director Duties.** The duties and responsibilities of the Director shall include, but not be limited to the below. He/She shall direct personally and through subordinates the performance of the below duties.
 - A. Collect and receive all taxes and other monies or receivables by the City of Reading or authorize other municipal units to do so under prescribed procedures.

⁴²Editor's Note: §§604, 706 and 607 of the Charter provides:

§604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See §706.)

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

§607. Department of Finance.

There shall be a Department of Finance which is established for the purpose of creating a unified city accounting system. A Director of Finance shall be appointed by the Mayor with confirmation of Council (as per §603). As a minimum requirement, the Director of Finance shall have a degree in business administration or management. The Director of Finance shall be responsible for the administration of activities that include:

- A. The receipt, expenditure, accounting, investment, custody, and control of municipal funds and assets, including the budget (both operating and capital).
- B. Financial accounting, which shall be conducted according to generally accepted accounting principles.
- C. Investments and insurance.
- D. Payroll.
- E. Pension administration.
- F. Materials management.
- G. All other financial matters that may arise.

ADMINISTRATION AND GOVERNMENT

- B. Administer a system for the collection of municipal tax claims and liens in accordance with law and facilitate external audits as necessary.
- C. Maintain a uniform accounting system in accordance with generally accepted principles of governmental accounting.
- D. Pre-audit, in accordance with generally accepted principles of governmental auditing, fiscal transactions of all municipal units.
- E. Disburse all payments for authorized expenditures including payroll.
- F. Deposit monies in depositories authorized by ordinance.
- G. Provide for prudent investment of monies.
- H. Coordinate and/or oversee the lease, rental, sale, purchase, or other use of public property.
- I. Prepare and maintain an inventory of all public property.
- J. Prepare documents and file civil complaints with the district justice. Provide reports of these complaints to the City Solicitor.
- K. Collaborate with Department of Human Resources on the purchase of insurance plans.
- L. Perform non benefit-related duties for pension boards.
- M. Administer the purchasing system according to the law, Charter and ordinances.
- N. Prepare annual budget according to the law, charter and ordinance.
- O. Prepare capital budget including feasibility study and financing according to the law, Charter and ordinance.
- P. Serve on pension boards as municipal fiscal liaison.
- Q. Administer the fiscal provisions of this Administrative Code.

(*Ord. 17-1996, 6/24/1996, §§8.05 - 8.08*)

§1-186. Fiscal Provisions.

1. Fiscal Year.⁴³

⁴³Editor's Note: Provisions of the Charter are set forth in italics.

Section 901. Fiscal Year. The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

2. **Director of Finance.**

- A. **Bonding.** The Director of Finance shall be bonded in such amount as determined by the Administrative Code. He/She shall assist the managing director in determining which personnel in the Department of the Finance shall be bonded.
- B. **Policies and Procedures.** The Director of Finance shall be responsible for preparing policies and procedures as required by the Administrative Code. These policies and procedures shall be available to the public for inspection. Copies may be made for the public at a reasonable cost not in excess of reproduction which may include, both direct and indirect costs of such reproduction.
- C. **Securities.** The Department of Finance is authorized and empowered on behalf of the City to establish and maintain accounts with those banks and brokers as are necessary and convenient for the purchase and sale of any and all forms of securities which are in accordance with the City's investment policy.

3. **Regulations Concerning Appropriations and Transfers.**

- A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.
- B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the managing director, and Council. This monthly report shall include all expenditures for each City Department, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer of funds within departments and between departments.
- C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

ADMINISTRATION AND GOVERNMENT

- D. Justification for transferring money between departments must be presented to and approved by Council. The procedures manual will stipulate the following:
 - (1) Expenditure procedures.
 - (2) Justification procedures for transferring money between line items.
 - (3) Justification procedures for transferring money between department.
 - (4) Administration of petty cash funds.
- E. *Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer of all monies including, but not limited to, transfers between departments, and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred. [Ord. 36-2000]
- F. *Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$25,000.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [Ord. 36-2000]
- G. Requiring City Council approval, via ordinance, for the following:
 - (1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
 - (2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year.

[Ord. 36-2000]

4. [Reserved]

5. **Purchasing.**

- A. **Responsibility.** The Director of Finance in consultation with the managing director shall develop a purchasing policy and procedure for the purchase of supplies and materials and the sale of personal and real property; such as policy and procedure under these fiscal provisions is made a part hereof and marked "Exhibit A" and hereafter referred to as "Policy and Procedure." [Ord. 24-1996]
- B. **Purchasing Policy.**

- (1) The overall authority and responsibility for City purchasing is centralized as a division of in the Department of Finance.
- (2) The purchasing policy and procedure is applicable to all departments and shall include the service function of ordering and buying goods and services. In addition, functions such as planning and scheduling purchases, seeking competition, assuring the preparation of proper specifications, and enforcing compliance with all purchasing regulations and procedures shall be part of the purchasing policy and procedure.

C. Purchasing Manager.

- (1) The Purchasing Manager shall have the authority to:
 - (a) Purchase or contract for all materials, supplies, equipment and contractual services for all City departments with the exception of:
 - 1) Books, subscriptions.
 - 2) Business meeting expenses.
 - 3) Charitable contributions.
 - 4) Dues.
 - 5) Items that can legitimately be purchased via the petty cash process.
 - 6) Postage.
 - 7) Tuition.
 - 8) Travel, meals, mileage.
 - 9) Utility services.
 - (b) Review all requisitions for the purchase of materials, supplies, equipment and services not exempted from this regulation for quality and cost.
 - 1) The purchasing process will begin with the Department Director's formulation of specifications that identify and describe the product or service to be purchased.

[Text continues on pg. 79]

- 2) The Purchasing Manager will assure that the specifications meet the Department's needs, but do not call for features or a level of quality not necessary for the item's use.
 - 3) If there is a lack of agreement between the Purchasing Manager and the department manager concerning any specifications, the Purchasing Manager will refer the matter and all support documentation to the managing director for final determination.
- (c) Prepare, in cooperation with department directors, standard written specifications for supplies and/or services not exempted by this regulation especially those common to various City functions.
- (d) Place orders for all supplies, materials, equipment, or services, not exempted by this regulation, by the issuance of a purchase order.
- 1) It is the general policy of the City to make awards to the responsible vendor who meets the specifications for the items or services to be purchased at the lowest cost. Factors such as delivery time, quality, operating and maintenance costs, service, etc., as well as initial price, should be considered by the Purchasing Manager to determine the lowest cost vendor who meets the specifications.
 - 2) When the Purchasing Manager or department director deems that an award should be made to other than the lowest cost vendor or when the Purchasing Manager and the department director fail to agree, the matter with all supporting information shall be referred to the managing director for final determination.
- (e) Dispose of surplus or unused material supplies or equipment after they have been declared as surplus by the Department Director wherein the materials, etc., are located and such declaration is agreed to by the Purchasing Manager. In the event the Purchasing Manager and the department director fail to agree on what materials are surplus, the matter with all supporting information shall be referred to the managing director for final determination. Disposal shall be on an annual basis or more frequent basis as needed and in accordance with the policy and procedure.
- (f) Enforce all purchasing regulations and procedures, and any such purchases pursuant to this Section shall be done in accordance with the policy and procedure.
- (2) The Purchasing Manager has the following responsibilities:

ADMINISTRATION AND GOVERNMENT

- (a) Procure for the City the highest quality in commodities and services that meet the user's needs at the lowest cost.
- (b) Purchase as many items as feasible "in bulk" to take full advantage of discounts.
- (c) Keep informed of current development in the field of purchasing including prices and market developments.
- (d) Keep accurate and up-to-date records of all verbal and written solicitations and bids in a manner that they are available for public inspections.
- (e) Provide assistance to any department director as required to draft specifications.
- (f) Formulate and circulate for approval, modification or additions to purchasing regulations and procedures as deemed necessary.
- (g) Contact Pennsylvania Department of Labor and Industry when the invitation to quote/bid is formulated, if the Pennsylvania Prevailing Wage Act, 43 P.S. §165-1 *et seq.*, is applicable.

D. **Emergency Authority.** In case of an emergency, purchase authority is delegated to the individual department directors when the Purchasing Manager is unavailable, i.e., after normal working hours. Such purchase authority shall be exercised in the manner set forth in the policy and procedure.

E. **Department Directors.**

- (1) The department directors have the authority to:
 - (a) Determine the need for all materials, supplies, equipment and service for his/her department.
 - (b) Formulate specifications that are clear, concise and descriptive of all the requirements for all intended purchases.
- (3) The department directors have the responsibility to:
 - (a) Furnish the Purchasing Manager with all necessary information to assure that the purchase will be correct in all details.
 - (b) Provide specifications that are clear and rated for the use intended.
 - (c) Provide a justification when requesting a proprietary item.

- (d) Provide a list of suggested vendors. This will assist the Purchasing Manager in locating the item, although it does not restrict the Manager in looking elsewhere.
- (e) Notify Purchasing Manager when the material, supplies, or equipment is delivered and if it is inferior in quality or unsatisfactory.
- (f) Notify Purchasing Manager annually, by the date established by the Purchasing Manager, of any surplus, obsolete or scrap materials or equipment that exist in the department.

6. **Investments.**

A. **Responsibilities.** The Director of Finance shall be responsible for identifying money (except monies belonging to pension funds) to be invested, understanding the options available and for what time period, communicating this information to the managing director, implementing the decision, and making regular reports regarding these actions to the Mayor, Managing Director and Council.

B. **Types of Investments.** The Director of Finance shall invest in these types:

- (1) Any obligations of the United States government for 1 year or less.
- (2) United States Treasury Bills.
- (3) Short-term obligations of the United States government of its agencies.
- (4) Savings accounts or time deposits of Pennsylvania institutions insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund up to the amount covered by insurance with the remainder covered by approved collateral pledged by the depository.
- (5) Obligations of the United States, State of Pennsylvania, any political subdivision of the State and any of their agencies or instrumentalities, backed by their full faith credit.
- (6) Prime commercial paper, (unsecured promissory notes issued by any industrial, common carrier, public utility or finance company or corporations of \$1,000,000,000 of assets or more) having no litigation pending or threatened against the prime commercial paper, being not in default upon any of its outstanding obligations, whose credit has been approved by the national credit office, incorporated or its successor and the investments make up 10% or less of the City's total portfolio.
- (7) Certificates of deposit from institutions having their principal place of business in the State and insured and collateralized as in subsection (4) above.

ADMINISTRATION AND GOVERNMENT

- (8) Shares of investment companies properly registered investing only in the investments in (1) through (7) above.

E. **Combining Investments.** Investment monies may be combined to purchase investment(s) provided such funds are accounted for separately in all respects and earnings from investments that are separately and individually computed and recorded and credited to the accounts from which the investment was purchased. Investment monies can be combined to purchase investment(s) pooled with other political subdivisions and municipal authorities in accordance with P.L. 180 of July 12, 1972, 53 Pa.C.S.A. §2301 *et seq.* provided there is separate and equal computation, recording and distributions of earnings.

7. **Signing Checks.**

A. **Documentation.** The issuing and signing of all City checks shall be in accordance with the following:

- (1) The amount expressed in the request is allocated for in the department budget.
- (2) The person presenting the request shall provide evidence that the amount due is for the payee in whose name it is drawn.
- (3) Supplies, services or other consideration for payment has been processed by purchasing regulations if required.
- (4) Supplies, services or other consideration for payment has been verified that they have been furnished or performed according to law or contract.

B. **Check Signatures.**

- (1) The Finance Director and the City Auditor shall sign all checks drawn against the City Treasury. Facsimile signatures may be used.
- (2) In the event of the absence of the Finance Director, the Mayor shall have the authority to sign checks in his/her place and stead.
- (3) In the event of the absence of the City Auditor, the auditing coordinator in the office of the City Auditor shall have the authority to sign checks in his/her place and stead.
- (4) Absence, as used in this Section, is hereby defined as failure to be present in Reading City Hall for a period of 3 consecutive full business days or more for any reason including, but not limited to, vacation, illness, mental or physical incapacity or death.

[Ord. 1-2000]

- C. **Limitations.** No signed check shall be distributed, mailed, or released unless there is sufficient money in the particular budget from which it is drawn, as well as the checking account to cover it at the time the check has been issued.
8. **Record of Assets.** The Director of Finance shall keep a complete record of books and accounts under appropriate titles, to show separately and distinctly all of the assets, property inventory, trusts, and indebtedness and all of the receipts and expenditures of the various departments. He/She shall supervise and control the accounts of all of the departments, and may require a written statement of all money or property of that department.
9. **Annual Budget.**
- A. **Submission and Adoption.**⁴⁵

(1) **Section 902. Submission of Balanced Budget and Capital Program.**

On or before 90 days prior to the ensuing fiscal year the department heads will submit a proposed budget and capital program to the managing director. On or before 60 days prior to the ensuing fiscal year the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

- (2) On or before 90 days prior to the ensuing fiscal year the department directors will submit a proposed budget and capital program to the managing director. On or before 60 days prior to the ensuing fiscal year the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

B. Budget Message.

(1) **Section 903. Budget Message.**

The budget shall be accompanied by a message which shall include:

- A. *An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.*
- B. *An outline of proposed programs and an explanation of new, expanded, or abolished programs or functions.*

⁴⁵Editor's Note: Provisions of the Charter are set forth in italics.

ADMINISTRATION AND GOVERNMENT

C. A summary of the City's debt position.

D. Such other material that will inform the Council and the public of municipal goals.

(2) The budget shall be accompanied by a message which shall include:

(a) An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.

(b) An outline of the proposed programs and an explanation of new, expanded, reduced, or abolished programs or functions.

(c) A summary of the City's debt position.

(d) Such other material that will inform the Council and the public of municipal goals.

C. Budget Organization and Content.

(1) *Section 904. Budget.*

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

A. It shall begin with a general summary of its contents.

B. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

D. It shall show the number of proposed employees in every job classification.

E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.

- F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.*
- G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs.*
- H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.*

The total of proposed expenditures shall not exceed the total of estimated income.

- (2) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by the Charter, shall be in such form as the Mayor deems desirable or the Council may require. (Refer to comment on §901⁴⁶) In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. The budget shall contain, among other things, the following:
 - (a) It shall begin with a general summary of its contents.
 - (b) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees, and charges.
 - (c) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

⁴⁶Editor's Note: §901 of the Charter provides:

§901. Fiscal Year.

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

ADMINISTRATION AND GOVERNMENT

- (d) It shall show the number of proposed employees in every job classification highlighting changes.
- (e) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.
- (f) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies, in terms of their respective work programs, and the methods of financing such expenditures.
- (g) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practical, and the proposed method of financing each such capital expenditure. The Mayor shall include this separate capital program section in the annual budget and submit it to Council with appropriate supporting information as to the necessity for such programs.
- (h) It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income. The estimated income shall mean the total of estimated revenue plus the prior fiscal year's fund balance. If a deficit exists, a plan to eliminate that deficit must be included in the budget.

D. **Adoption.**

(1) **Section 905. City Council Action on Budget.**

- 1. **Notice and Hearing.** *Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the budget with a notice stating:*
 - A. *The times and places where copies of the budget message and budget document are available for inspection by the public.*
 - B. *The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.*

C. The proposed budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

- (2) The Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget with a notice stating:
- (a) The times and places where copies of the budget message and budget document are available for inspection by the public.
 - (b) The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.
 - (c) The proposed budget message and budget document shall be available for public at a reasonable fee to be set by the Council.

E. Amendments.

(1) ***Section 905. 2. Amendment Before Adoption.***

- A. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.*
 - B. If the amended budget increases, decreases, or readjusts funding requirements by more than 5% or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within 3 normal City work days.*
 - C. Council shall provide for another public hearing to be held within 5 days after the Mayor has resubmitted the budget.*
- (2) After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the Council.

ADMINISTRATION AND GOVERNMENT

- (3) If the amended budget increases, decreases, or readjusts funding requirements by more than 5%, or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within 3 normal business days. Three normal City work and/or business days (normal business days shall mean weekdays and shall exclude Saturdays, Sundays and holidays).
- (4) Council shall provide for another public hearing to be held within five (5) regular business days after the Mayor has resubmitted the budget. Five normal City work and/or business days (normal business days shall mean weekdays and shall exclude Saturdays, Sundays and holidays).

F. **Adoption.**

- (1) *Section 905. 3. **Adoption.** Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15 then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.*
- (2) The Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt an annual budget by that date, the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.
- (3) Within 30 days after the adoption of a budget ordinance, the Director of Finance shall file a copy of the budget with the appropriate state agency.

G. **Revised Budget.**

- (1) ***Section 906. Revised Budget.** Notwithstanding any other provisions of this Article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with §§905, 906, with the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.*
- (2) Notwithstanding any other provisions of this Article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within 45 days after the start of the fiscal year revise the budget and tax levies adopted by the previous Council. The procedures

for adopting a revised budget shall be in accordance with §§905 and 906⁴⁷, with the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.

⁴⁷Editor's Note: §§905 and 906 of the Charter provides:

§905. City Council Action on Budget.

1. **Notice and Hearing.** Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget with a notice stating:
 - A. The times and places where copies of the budget message and budget document are available for inspection by the public.
 - B. The time, place and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.
 - C. The proposed budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.
2. **Amendment Before Adoption.**
 - A. After the public hearing, the City Council may adopt the budget, with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs, or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.
 - B. If the amended budget increases, decreases or readjusts funding requirements by more than 5%, or adds or deletes a program, the Budget shall be returned to the Mayor immediately for comment and resubmission to the Council within 3 normal City work days.
 - C. Council shall provide for another public hearing to be held within 5 days after the Mayor has resubmitted the Budget.
3. **Adoption.** Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15 then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.

§906. Revised Budget.

Notwithstanding any other provisions of this Article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with §905 within the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.

ADMINISTRATION AND GOVERNMENT

- (3) Within 15 days after the adoption of an amended budget ordinance, the Director of Finance shall file a copy with the appropriate state agency.

H. Amendments After Adoption.

(1) **Section 908. Amendments After Adoption.**

1. *Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of §220 of this Charter.*
 2. *Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget.*
 3. *Transfer of appropriations may be made in accordance with provision of the Administrative Code.*
- (2) Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of §220⁴⁸ of the Charter.
 - (3) Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget.
 - (4) Transfer of appropriations may be made in accordance with the provision of the Administrative and Fiscal Codes in accordance with the provisions of §908⁴⁹ of the Charter.

⁴⁸Editor's Note: §220 of the Charter provides:
§906. Revised Budget.

Notwithstanding any other provisions of this Article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with §905 within the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.

⁴⁹Editor's Note: §908 of the Charter provides:

§908. Amendment After Adoption.

1. Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear

10. **Capital Program.**

A. **Submission.**

- (1) **Section 910. Administration of the Budget and Capital Program.** *The Mayor shall be responsible for and with the assistance of the managing director shall supervise the administration of the annual and capital budgets.*
- (2) **Section 911. Capital Program.**
 1. **Submission to City Council.** *The Mayor shall prepare and submit to the City Council a 5 year capital program no later than the final date for submission of the budget.*
- (3) The Mayor, with the assistance of the Managing Director, Director of Finance and the Director of Community Development and in accordance with the provision of the Municipalities Planning Code, (PA 209.1 MPC) shall be responsible for developing administering the capital budget. The Mayor shall prepare and submit to the City Council a 5 year capital program no later than the final date for submission of the budget.

B. **Contents.**

- (1) **Section 911. 2. Contents of Capital Program.** *The capital program shall include:*
 - A. *A clear general summary of its contents.*
 - B. *A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessity for each.*
 - C. *Cost estimates and recommended time schedules for each improvement of other capital expenditure.*
 - D. *Method of financing, upon which each capital expenditure is to be reliant.*

and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of §220 of this Charter.

2. Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriate revenues in excess of those estimated in the budget.
3. Transfer of appropriations may be made in accordance with provision of the Administrative Code [Chapter 1, Part 1].

ADMINISTRATION AND GOVERNMENT

E. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

F. All capital projects must be included in the capital program budget.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(2) The capital program shall include:

- (1) A clear general summary of its contents.
- (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information to the necessity for each.
- (3) Cost estimates and recommended time schedules for each improvement of other capital expenditure;
- (4) Method of financing, upon which each capital expenditure is to be reliant.
- (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (6) All capital projects must be included in the capital program budget.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. Financing capital projects bonds required for financing capital projects shall be secured by competitive bidding.

C. **Approval.**

- (1) **Section 911. 4. Capital Projects Approved.** *Proposed capital projects in the capital programs must be considered on their own individual merits by the Finance Manager, the City Auditor, and the proposer of the project. The procedures to approve the individual capital projects are:*

A. Preliminary Feasibility Study. The capital project preliminary feasibility study shall include:

- (1) *A clear general summary of its purpose and justification.*
- (2) *The cost estimates and time schedule for the Capital Project including the cost of the post project completion audit.*

- (3) *The method of financing and sources upon which this capital project is reliant.*
- (4) *The annual cost of operating and maintaining the project to be constructed or acquired.*

The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

B. *Final Proposal and Financing.* *The final capital project proposal and financing shall include:*

- (1) *A clear general summary of its purpose and justification.*
- (2) *The cost estimates and time schedule for the capital project including the cost of the post project completion audit.*
- (3) *The method of financing and sources upon which this capital project is reliant.*
- (4) *The annual cost of operating and maintaining the project to be constructed or acquired.*
- (5) *This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice - §912). Capital project replaces capital program. The final Council approval of capital projects will require five votes to approve.*

(2) Proposed capital projects in the capital program must be considered on their own individual merit by the Director of Finance, City Auditor, and the proposer of the project for the purpose of interpreting the Charter the word Finance Manager shall be deemed to mean the Director of Finance in all instances. The procedures to approve the individual capital projects are:

- (1) There shall be a capital project preliminary feasibility study that includes:
 - (a) A clear general summary of its purpose and justification.
 - (b) The cost estimates and time schedule for the capital project including the cost of the post project completion audit.
 - (c) The method of financing and sources upon which this capital project is reliant.
 - (d) The annual cost of operating and maintaining the project to be constructed or acquired.

ADMINISTRATION AND GOVERNMENT

- (3) The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to the final approval and funding acceptance.
- (4) The final capital project proposal and financing shall include:
 - (a) A clear general summary of its purpose and justification;
 - (b) The cost estimates and time schedule for the capital project including the cost of the post project completion audit;
 - (c) The method of financing and sources upon which this capital project is reliant;
 - (d) The annual cost of operating and maintaining the project to be constructed or acquired, and
 - (e) This final capital project proposal will be published and made available for the public to review.

The final Council approval of capital projects will require five votes to approve.

D. Capital Project Reports.

(1) **Section 911. (4)(C) Capital Project Reporting.**

- (1) **Current Projects.** *All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.*
- (2) **Extended Projects.** *If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained the project must go through §911(C) (1) and (2).*
5. **Post Project Completion Audit.** *Following completion of the capital project a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.*
- (2) All current capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Director of

Finance and the project manager to the Council in such a form that it is available to the public.

- (3) If commencement of a capital project does not begin by the end of the fiscal year following the year in which final approval is obtained, the project must follow the guidelines set forth in §911⁵⁰ of the Charter.

⁵⁰Editor's Note: §911 of the Charter provides:

§911. Capital Program.

1. **Submission to City Council.** The Mayor shall prepare and submit to the City Council a 5 year capital program no later than the final date for submission of the budget.
2. **Contents of Capital Program.** The capital program shall include:
 - A. A clear general summary of its contents.
 - B. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessity for each.
 - C. Cost estimates and recommended time schedules for each improvement of other capital expenditure.
 - D. Method of financing, upon which each capital expenditure is to be reliant.
 - E. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
 - F. All capital projects must be included in the capital program budget.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

3. **Financing Capital Projects.** Bonds required for financing capital projects shall be secured by competitive bidding.
4. **Capital Projects Approved.** Proposed capital projects in the capital programs must be considered on their own individual merits by the Finance Manager, the City Auditor and the proposer of the project. The procedures to approve the individual capital projects are:
 - A. **Preliminary Feasibility Study.** The capital project preliminary feasibility study shall include:
 - (1) A clear general summary of its purpose and justification.
 - (2) The cost estimates and time schedule for the capital project including the cost of the post project completion audit.
 - (3) The method of financing and sources upon which this capital project is reliant.
 - (4) The annual cost of operating and maintaining the project to be constructed or acquired.

The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

- B. **Final Proposal and Financing.** The final capital project proposal and financing shall include:

ADMINISTRATION AND GOVERNMENT

- (4) Following completion of the capital project a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

E. **Public Notice.**

(1) **Section 912. City Council Action on Capital Program.**

1. **Notice and Hearing.** Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the capital program with a notice stating:

A. *The times and places where copies of the capital program message and capital program document are available for inspection by the public.*

B. *The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. The public hearing shall not be on the date*

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- (1) A clear general summary of its purpose and justification.
 - (2) The cost estimates and time schedule for the capital project including the cost of the post project completion audit.
 - (3) The method of financing and sources upon which this capital project is reliant.
 - (4) The annual cost of operating and maintaining the project to be constructed or acquired.
 - (5) This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice, §912). Capital project replaces capital program. The final Council approval of capital projects will require five votes to approve.

C. **Capital Project Reporting.**

- (1) **Current Projects.** All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.
 - (2) **Extended Projects.** If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained the project must go through subsection (3)(A) and (B).
5. **Post Project Completion Audit.** Following completion of the capital project a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

of a regular Council meeting or on hearing date of the operating Budget.

C. The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

- (2) The Council shall publish in one or more newspapers of general circulation in the City of Reading in the general summary of the capital program with a notice stating:
 - (a) The times and places where copies of the capital program message and capital program document are available for inspection by the public.
 - (b) The time, place, and date, not less than 15 days or more than 30 days after such publication for a public hearing on the capital program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating budget, and
 - (c) The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by Council.

F. Council Adoption.

- (1) ***Section 912.*** ***2. Adoption.*** *Council must adopt an annual capital program by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a capital program by December 15 then the Mayor's original capital program shall become the official capital program of the City for the ensuing fiscal year.*
- (2) Council must adopt an annual capital program by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a capital program by December 15 then the Mayor's original capital program shall become the official Capital Program of the City for the ensuing year.

G. Tax Rate.

- (1) ***Section 907. Appropriation and Revenue Ordinance.*** *For 1996, this Charter shall provide for collection of income from real estate taxes which, in total amount, does not exceed 105% of the real estate tax income actually collected by the City during 1995. For those years following 1996, it shall provide for collection of income from real estate taxes which, in total amount, does not exceed 105% of the real estate tax income actually collected in the previous year. Any collection of income from the real estate tax by the City in excess of the amounts allowed by this Section shall not be expended but shall be retained for use in the subsequent year*

and be used in the next year subsequent to reduce the amount of income needed by the City in said subsequent year. With the approval of the Court of Common Pleas, upon good cause shown, or by Referendum or Charter review, the City may increase the amount of income collected, notwithstanding the provisions of this Section.

- (2) The Director of Finance in conjunction with the managing director, shall calculate a suggested real estate tax rate. The Director of Finance and the managing director shall present this suggested real estate tax rate to the Mayor for his/her review. The approved real estate tax rate will be presented in the budget for the Council approval. In no case will the final real estate tax rate exceed the limitations of §907⁵¹ of the Charter.

- H. **Borrowing.** The City of Reading may, by ordinance of City Council, borrow an amount of money in anticipation of current revenues. The amount borrowed may not exceed the amount of anticipated revenues. The anticipated revenues may be pledged to pay such loan or loans. The City will issue notes or other forms of obligation, executed by the Mayor and attested to by the City Clerk under the seal of the City of Reading to secure such loans. The revenue anticipation borrowing shall mature and be payable during the current fiscal year in which the money is borrowed. No such borrowing shall constitute an increase of indebtedness within the meaning of the State of Pennsylvania Constitution or any application law or the Charter. Such notes may be sold at either public or private sale under appropriate terms and conditions satisfactory to the City of Reading.

12. **Annual Financial Report.**

- A. **Section 308. Powers and Duties of the Mayor.** *The Mayor shall have the following powers and duties: C. Inform City Council and the public each January of the financial and general condition of the City.*
- B. The Mayor, with the assistance of the Managing Director, Director of Finance and other appropriate department directors shall:

⁵¹Editor's Note: §907 of the Charter provides:

§907. Appropriation and Revenue Ordinance.

For 1996, this Charter shall provide for collection of income from real estate taxes which, in total amount, does not exceed 105% of the real estate tax income actually collected by the City during 1995. For those years following 1996, it shall provide for collection of income from real estate taxes which, in total amount, does not exceed 105% of the real estate tax income actually collected in the previous year. Any collection of income from the real estate tax by the City in excess of the amounts allowed by this section shall not be expended but shall be retained for use in the subsequent year and be used in the next year subsequent to reduce the amount of income needed by the City in said subsequent year. With the approval of the Court of Common Pleas, upon good cause shown, or by referendum or Charter review, the City may increase the amount of income collected, notwithstanding the provisions of this Section.

- (1) Inform Council and the public by the end of each January of the financial and general condition of the City. This report shall be as complete as possible but shall not be in the detail required under Section (2).
- (2) Report (under oath) to the Council and appropriate State agency, by the end of each March, a comprehensive financial report in accordance with the standards set forth by GASB and GAAP.
- (3) Prepare, review and update as necessary procedures necessary to implement this Section, which shall include the following:
 - (a) The format of the report (taking into consideration the maximum standards of the GASB and the Commonwealth).
 - (b) Dissemination to the public.
 - (c) A descriptive and textual analysis of the state of the City, and the City's finances.
- (4) When a new Mayor has been elected, the Mayor leaving office must submit as comprehensive a report as possible by December 31 of the final year of his/her term. The new Mayor shall review this report by January 31 of the year he/she takes office and proposed comments and additions to the report in preparing his/her report pursuant to subparagraph (a) of this Article XII.

13. Risk Management.

- A. **Responsibility.** The Director of Finance shall collaborate with the managing director and the Director of Human Resources in developing a risk management procedures manual. Additionally, the above Directors are responsible for joint reports to the Mayor, managing director and Council.
- B. **Reports.** Reports issued by the Director of Finance and the Director of Human Resources shall include the following:
 - (1) Status of insurance (including self-insurance, requests for proposals for insurances which shall be considered professional services under this code), competitive bidding procedures.
 - (2) Claims.
 - (3) Bonds.
 - (4) Other items under risk management.

14. Contracts.

A. Approval of Contracts.

(1) Section 915. Bidding Process.

- 1. Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed \$10,000.00, it shall be the duty of said City to have such work performed pursuant to a contract awarded to the lowest responsible bidder (subject to subsection (2)(d)), after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, copartnership, association or corporation who, as subcontractor or otherwise, has furnished material, supplied or performed labor, rented equipment or service in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, copartnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment.*
- (2) The City may make contracts for carrying into execution the provisions of the Code, ordinance and the laws of the State of Pennsylvania. Council approval shall be required of all contracts in excess of \$50,000, and all collective bargaining agreements. Any contracts for less than \$50,000 shall be entered into by the executive branch as it shall determine without requirement of approval by Council. All contracts or purchase not in excess of \$10,000 shall be by note or memorandum signed by the managing director.
15. Requiring that as of March 13, 2001, City Council must, by resolution, approve any salary increase that has not been approved in or included in the budget for the fiscal year and falls outside the labor contract for union employees. [Ord. 11-2001]
16. That during the course of each fiscal year, the transfer of all monies including, but not limited to, transfers between departments and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget, causing a modification of \$25,000, must be approved by Council resolution. The resolution must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, within the time framed defined in the Agenda Packet Policy. [Ord. 16-2001]
17. All expenditures not approved and listed in the operating or capital budgets for the fiscal year that exceed \$25,000. [Ord. 16-2001]

(*Ord. 17-1996*, 6/24/1996, §§8.09 - 8.46; as amended by *Ord. 24-1996*, 8/26/1996, §2; by *Ord. 4-1997A*, 2/24/1997, §1; by *Ord. 1-2000*, 1/24/2000, §1; by *Ord. 36-2000*, 2/26/2000, §§1-3; by *Ord. 11-2001*, 4/9/2001, §1; by *Ord. 16-2001*, 4/23/2001, §§1, 2; and by *Ord. 42-2004*, 10/11/2004, §1)

§1-187. Department of Human Resources.

1. **Function.** The Department of Human Resources shall be responsible for the administration of the City personnel system. This system includes, the recruiting, recommending, hiring, assignment, reassignment, bidding, training, performance evaluation, discipline and discharge of all employees. Furthermore, it shall be responsible for all employee benefits, risk and safety programs, workers compensation, labor negotiations, insurance analysis, and civil service.
2. **Department Director.** The Department Director is responsible to the managing director for the function and performance of the department.
3. **Department Director Qualifications.** Charter §§604 and 705⁵² speak to general qualifications. Minimum qualifications for this position are a bachelor's degree or its equivalent plus 5 years experience in personnel/benefit management.
4. **Department Director Duties.** The duties and responsibilities of the Director shall include, but not be limited to the below. He/She shall direct personally and through subordinates the performance of the below duties and responsibilities.
 - A. Administer the personnel system of the City subject to the provision of law, Charter or ordinance.
 - B. Recruit, screen and recommend persons for municipal employment.
 - C. Develop and maintain position descriptions, classifications and pay plans.

⁵²Editor's Note: §§604 and 706 of the Charter provides:

§604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See §706.)

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

ADMINISTRATION AND GOVERNMENT

- D. Prepare and maintain confidential employee personnel records and prepare payroll information based on those records for Finance Department.
- E. Post job openings as per collective bargaining agreements.
- F. Create and maintain a personnel policy and benefits manual and communicate this information to employees both in writing and by seminars.
- G. Administer municipal labor relations including conducting negotiations, contract administration, grievance procedures, and related programs.
- H. Prepare position evaluation procedures and assist supervisors in implementation.
- I. Develop and coordinate internal training programs, professional development, and coordinate employee participation in external training programs.
- J. Prepare and implement discipline procedures.
- K. Manage employee benefit programs including sick leave, vacation, comp-time, pension, and health and welfare insurance plans.
- L. Collaborate with Department of Finance on the purchase of insurance plans.
- M. Review unemployment compensation claims, and appeal when appropriate.
- N. Manage workers compensation plan including, determining applicability, attending appeal hearings, coordinating benefits, and returning to work.
- O. Develop and implement affirmative action plan.
- P. Manage risk and safety program.
- Q. Manage civil service program.

(Ord. 17-1996, 6/24/1996, §§8.47 - 8.50)

§1-188. Department of Public Works.

1. **Function.** The Department of Public Works shall be responsible for the design, construction, operation and maintenance of those physical structures and facilities that are owned and maintained by the City. Additionally, it will provide such City functions as streets maintenance, sewage, parks, waste disposal, environmental protection, water authority services and traffic management. Finally, this department will provide engineering services for its own activities as well as the activities of other departments.

2. **Department Director.** The Department Director is also the City Engineer and is responsible to the managing director for the function and performance of the department.
3. **Department Director Qualifications.** Charter §§604 and 706⁵³ speak to general qualifications. Charter §606⁵⁴ specifies that the Director of Public Works shall be a professional civil engineer registered in Pennsylvania.
4. **Department Director Duties.** The duties and responsibilities of the Director shall include, but not be limited to the below. He/She shall direct personally and through subordinates the performance of the below duties.
 - A. Provide engineering services either directly or by contract for the City.
 - B. Construct and maintain the streets and bridges, of the City including the provision of street cleaning, snow removal and ice control services.
 - C. Construct and maintain storm and sanitary sewer structures and facilities.

⁵³Editor's Note: §§604 and 706 of the Charter provides:

§604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See §706.)

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

⁵⁴Editor's Note: §606 of the Charter provides:

§606. Department of Public Works/City Engineer.

1. The Department of Public Works is mandated by this Charter. The Mayor shall appoint and fix the compensation of the head of the Department of Public Works/City Engineer. He shall be a professional civil engineer registered in Pennsylvania, and shall perform the duties required through the Administrative Code [Chapter 1, Part 1] or other action, or as may be required of a City Engineer by general law.
2. The Department of Public Works shall include an environmentalist who shall be appointed by the head of the Department of Public Works whose duties shall include education, lobbying, research and public liaison. The environmentalist shall have sufficient technical qualifications for a position of this type.

ADMINISTRATION AND GOVERNMENT

- D. Construct, operate and maintain public wastewater treatment and disposal structures, and facilities.
- E. Install and maintain traffic control devices and directional signs and signals, street name signs, street lights (as per Met Ed agreement) and parking meters.
- F. Provide services to the Water Authority as requested according to the contract between the City and the Authority as well as the current collective bargaining agreement.
- G. Provide public environmental education, lobbying, research and liaison with other environmental agencies.
- H. Provide for the management and/or collection and disposal of municipal solid wastes including recyclables.
- I. Coordinate Reading beautification program.
- J. Plan, develop, design, and administer in cooperation with other municipal departments, municipal park and recreation facilities owned, acquired, or designated by the City.
- K. Plant and maintain trees on City property.
- L. Provide for custodian services for all municipal buildings.
- M. Provide for inspection and related procedures to assure proper maintenance and repair of sidewalks in accordance with municipal ordinances.
- N. Repair and maintain municipal vehicles and equipment.
- O. Maintain and update official maps, plats, and other engineering records of the City.
- P. Provide electrical services.
- Q. Plan, develop, design and administer in cooperation with other appropriate departments and agencies of other governments, expansion and modification of facilities for which this department is responsible.
- R. Administer community recreational programs.

(Ord. 17-1996, 6/24/1996, §§8.51 - 8.54)

§1-189. Department of Community Development.

1. **Function.** The Department of Community Development shall be responsible for the preparation of short and long-range planning, economic and community development programs including recreation. [*Ord. 42-2004*]
2. **Department Director.** The Department of Community Development shall be headed by a Director who shall be responsible to the managing director for the performance of the function of the department.
3. **Department Director Qualifications.** Charter §§604 and 706⁵⁵ speak to general qualifications. The minimum qualifications for this position are a bachelor's degree in a related field, or its equivalent, plus three years experience in community planning/development. A master's degree in a related field is preferred.
4. **Department Director Duties.** The duties and responsibilities of the Director shall include, but not be limited to the below. He/She shall direct personally and through subordinates the performance of the below duties:
 - A. Perform the various duties and exercise the powers as prescribed by the "Pennsylvania Municipalities Planning Code," 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 *et seq.*
 - B. Prepare, review and maintain the comprehensive plan of the City including data collection, mapping and analysis.
 - C. Develop the capital improvement program and assist in developing priorities and feasibility studies.

⁵⁵Editor's Note: §§604 and 706 of the Charter provides:

§604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See §706.)

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

ADMINISTRATION AND GOVERNMENT

- D. Develop community block grant projects and prepare the appropriate funding grant applications.
- E. Enforce zoning, historical preservation, building, electrical, plumbing, heating, air-conditioning, and such other related structural and land use codes as may be enacted by law or ordinance.
- F. Issue such licenses and permits as may be required by law, ordinance and the Administrative Code.
- G. Coordinate community, economic and other development projects within the City.
- H. Administer urban renewal program activities.
- I. Serve as administrative staff to the Zoning Hearing Board, City Planning Commission, Redevelopment Authority, Historical and Architectural Review Board, and Shade Tree Commission, and provide support services as deemed appropriate.

(*Ord. 17-1996*, 6/24/1996, §§8.55 - 8.58; as amended by *Ord. 42-2004*, 10/11/2004, §1)

§1-190. Department of Police.

1. **Function.** The Department of Police shall be responsible for the protection of persons and property within the City by maintaining law and order.
2. **Department Director.**
 - A. Whenever the Chief of Police (or Acting Chief) is absent due to vacation, illness or injury, the current Chief (or Acting Chief) shall designate one of the police Department's Inspectors to head the department and staff until the Chief of Police returns to duty.
 - B. Whenever the position of Chief of Police (or Acting Chief) is vacant due to the removal, resignation, retirement, permanent disability, or death, the managing director shall appoint one of the Police Department's Inspectors to the Acting Chief position, as is required in §1-141 of this Chapter, until such time as the Mayor nominates a replacement to City Council and City Council approves the nomination.

[*Ord. 39-2001*]

3. **Department Director Qualifications.** Charter §§604 and 706⁵⁶ speak to general qualifications. Merit system rules and regulations define qualifications and appointment process.
4. **Department Director Duties.** The duties and responsibilities of the Chief shall include, but not be limited to the below. He/She shall direct personally and through subordinates the performance of all these duties and responsibilities:
 - A. Protect persons and property by maintaining law and order.
 - B. Enforce all criminal laws and ordinances.
 - C. Detect and apprehend criminal offenders and persons suspected of committing a crime.
 - D. Maintain records and files of crimes and criminals.
 - E. Operate facility for the short-term detention of persons in custody.
 - F. Develop and conduct community relations and education programs.
 - G. Conduct in-service training as prescribed by the Commonwealth of Pennsylvania.
 - H. Direct other law enforcement personnel with less than full police powers such as school-crossing guards and park rangers.
 - I. Coordinate the emergency management services.
 - J. Operate and maintain the police radio and other municipal radio and emergency communication systems as may be assigned to the Department.

⁵⁶Editor's Note: §§604 and 706 of the Charter provides:

§604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See §706.)

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

ADMINISTRATION AND GOVERNMENT

- K. Maintain records and logs relating to radio and emergency communication systems as required by law.
- 5. **Police Powers.** Police employed by the City of Reading shall be ex-officio constables of the Commonwealth and shall and may, within the City or upon property owned or controlled by the City or by an authority of the City within the Commonwealth, exercise the powers and prerogatives conferred on police officers by law. Police, when acting as constables, shall have the authority to serve and execute all criminal processes for the violation of municipal ordinances which may be issued, and the fees and costs collected in such capacity shall be paid into the City treasury.

(*Ord. 17-1996*, 6/24/1996, §§8.59 - 8.63; as amended by *Ord. 39-2001*, 11/13/2001, §§1, 2)

§1-191. Department of Fire and Rescue Services.

- 1. **Function.** The Department of Fire and Rescue Services shall be responsible for the protection of persons and property within the City against fire and other hazards.
- 2. **Department Director.** The Department of Fire and Rescue Services shall be headed by a Director termed a Chief who shall be responsible to the managing director for the performance of the department and for all other responsibilities and obligations that the managing director may from time to time assign consistent with the law, Charter or ordinance.
- 3. **Department Director Qualifications.** Charter §§604 and 706⁵⁷ speak to general qualifications. Merit system rules and regulations define qualifications and appointment process.

⁵⁷Editor's Note: §§604 and 706 of the Charter provides:

§604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See §706.)

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

4. **Department Director Duties.** The duties and responsibilities of the Chief shall include, but not be limited to the below. He/She shall direct personally and through subordinates the performance of the below duties and responsibilities.
 - A. Prevent and extinguish fires.
 - B. Provide rescue services as appropriate.
 - C. Identify, remove and control fire hazards and other hazardous conditions.
 - D. Enforce laws, ordinances, rules, and regulations relating to fires and fire hazards.
 - E. Maintain computerized fire incident reporting system.
 - F. Develop and conduct community relations and education programs.
 - G. Responsible for fire communications.
 - H. Review records and logs relating to radio and the emergency communication system.
 - I. Conduct training programs for department personnel.
 - J. Operate the Reading-Berks Fire Training Center in cooperation with the County of Berks.
 - K. Administer an apparatus/equipment and facility maintenance, testing and repair program in cooperation with other City departments.
5. **Fire Marshal.**
 - A. **Function.** The Fire Marshall shall be responsible for the fire investigation, record keeping, fire prevention and fire code enforcement for the City.

ADMINISTRATION AND GOVERNMENT

- B. **Appointment.** The Fire Marshal shall be appointed by the Mayor as per §603⁵⁸ of the Charter.
- C. **Status.** The Fire Marshal is a member of the Fire Department and reports to its Chief. However, The Marshal shall provide investigative reports to the Mayor, managing director and the Chief.
- D. **Duties.** The duties and responsibilities of the Fire Marshal shall include the following but not be limited to the following:
 - (1) Initiate and administer a fire prevention program for the City.
 - (2) Enforce the fire code in conjunction with the Department of Community Planning, Programming and Development, Building Codes.
 - (3) Investigate cause and origin of fire as required by the Commonwealth of Pennsylvania Fire Marshal law.
 - (4) Maintain records as required by the fire prevention code and the department.

(*Ord. 17-1996, 6/24/1996, §§8.64 - 8.71; as amended by Ord. 30-1996, 9/23/1996, §1; and by Ord. 14-2001, 5/29/2001*)

§1-192. Department of Law.

1. Function.

- A. The Department of Law shall be responsible for representing the City on all legal questions arising in the conduct of municipal business. The Solicitor, as head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council and all City departments and agencies and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law by the Charter, by the City Administrative Code or by action of Council.

⁵⁸Editor's Note: §603 of the Charter provides:

§603. Heads of Departments, Offices, and Agencies.

- 1. **Appointment.** Except as otherwise provided by this Charter, the Mayor shall appoint and remove the head of any department, office and agency. An appointment shall not be effective unless City Council by resolution confirms it or fails to reject it within 60 days after the appointment. The appointee shall serve unless rejected by City Council or until removal from office, whichever is sooner.
- 2. **Removal.** The Mayor shall have the power at any time to remove the head of any department, office or agency immediately under the Managing Director's direction and supervision, but the Mayor shall within 14 days notify in writing City Council of the removal and the reason for it.

- B. In the event either the Mayor/Administrator or City Council requires legal representation in an area of conflict, each party shall have the ability to select their own legal counsel independent of the City Solicitor.

2. **Department Director.**

- A. The Department of Law shall be headed by the City of Reading Solicitor who shall be responsible to the Mayor and City Council for the performance of the Department, and for all other responsibilities and obligations that the Mayor or Council may from time to time assign consistent with the law, Charter or ordinance.
- B. The City Solicitor may be removed by super-majority vote (five votes) of Council by resolution.

[*Ord. 22-1998*]

ADMINISTRATION AND GOVERNMENT

3. **Department Director Qualifications.** Charter §§604 and 706⁵⁹ speak to general qualifications. Section 801⁶⁰ of Charter says that the City Solicitor shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law.
4. **Department Director Duties.** The duties and responsibilities of the City Solicitor shall include, but not be limited to, the following:
 - A. Prepare review and revise ordinances or resolutions when so requested by the Mayor or Council.
 - B. Attend Council meetings and/or hearings.
 - C. Provide legal opinions upon any legal matter or question.

⁵⁹Editor's Note: §§604 and 706 of the Charter provides:

§604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See §706.)

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

⁶⁰Editor's Note: §801 of the Charter provides:

§801. Qualifications and Responsibilities.

1. The Mayor shall appoint, with the approval of Council, a Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor, as head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council, and all City departments and agencies; and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law, by this Charter, by the City Administrative Code or action of Council. It is the intent of this Charter that only one person shall be the legal advisor of the City except as may be otherwise required by law.
2. The Mayor, with the approval of Council, shall have the power, if needed, to engage other temporary solicitors to represent the City as the need may be. Such appointments shall be temporary and shall be for the purpose of representing the City in specific individual legal matters. Such representation shall be secured by requests for proposal.

- D. Provide legal advice when requested by department heads who are planning and/or preparing documents and/or positions.
- E. Be available for consultation to those department heads who file complaints at the district justice level.
- F. Litigate all legal actions and claims brought by or against the City except in those cases in which other legal counsel is retained.
- G. Approve for legality all contracts, agreements or other legal documents to be executed by authorized City officials.
- H. Shall provide a written quarterly report to Mayor and Council on the status of all legal matters on which the Department of Law, directly or through temporary legal counsel, representing the City.
- I. Except as otherwise provided by City Council, shall be responsible for the supervision of all temporary legal counsel, excluding independent legal counsel for the Mayor or City Council, including approval of their billings.
- J. The City Solicitor or his legal designee, shall provide legal counsel to all boards, authorities and commissions not having a regular legal advisor. The Solicitor or his designee shall attend any meetings of boards, authorities and commissions when requested.

[*Ord. 22-1998*]

(*Ord. 17-1996*, 6/24/1996, §§8.72 - 8.75; as amended by *Ord. 22-1998*, 6/22/1998, §§1-3)

EXHIBIT A

CITY OF READING

PURCHASING POLICY AND PROCEDURES

INDEX

PURCHASING POLICY AND PROCEDURES

Page 1-5	Purchasing Policy - Defines the authorities and responsibilities of the Purchasing Agent and Department Heads.
Page 6-12	Requisition and Purchase Order Process - Outlines the steps to be taken by all City bureaus to purchase all materials, supplies, equipment and contractual services with the exception of travel, training and business expenses, insurance, utility fees, contributions, dues, books, magazines and petty cash expenses.
Page 10-12	Emergency Purchase Procedure - Defines emergency and establishes the proper purchasing procedure in times of emergency.
Page 13-17	Blanket Order Purchases - explains the nature of blanket order purchases and defines the specific procedures for establishing blanket orders, making purchases bases and renewing and closing blanket orders. Includes samples of forms and instructions for completion.
Page 18-20	Payment for Items and Services Without a Purchase Order Defines the categories of purchases for which payment is authorized by use of the Invoice and explains the procedure whereby payment to vendor is authorized. Includes sample forms and instructions for completion.
Page 21-22	Receiving shipments of materials, supplies and equipment. Outlines the required procedures for the reception of materials delivered by vendors after procurement by Purchase Orders. Includes sample forms and instructions for completion.
Page 23-32	Bid Solicitation, Evaluation and Award Procedure - Defines and explains the procedures followed in the solicitation opening, evaluation and awarding of bids.
Page 33-37	Purchasing of Professional Services - Outlines the process involved for preparing bid specifications, letting of bids, awarding of contracts and payment of bills for professional services except those rendered in connection with public debt offerings or other borrowing.

Page 38-41

Petty Cash Funds - establishes the policy for the use of Petty Cash funds, explains the process for reimbursing the employees and the petty cash fund. Includes sample forms and instructions for completion.

ADMINISTRATION AND GOVERNMENT

ADMINISTRATIVE REGULATION

PURCHASING POLICY

1.0 PURPOSE:

The purpose of this regulation is to formalize the City of Reading purchasing policy by delineating the specific authorities and responsibilities that are the components of the purchasing process.

2.0 APPLICABLE TO:

A11 departments and divisions.

3.0 through and including 4.1.1(2) intentionally eliminated.

4.1.2 The purchasing manager shall have the authority to review all requisitions for the purchase of materials, supplies, equipment and services not exempted from this regulation for quality and cost.

(1) The purchasing process begins with the user's formulation of specifications that identify and describe the product or service to be purchased.

(2) The purchasing manager will assure that the specifications meet the user's needs, but do not call for features or a level of quality not necessary for the item's use.

(3) If there is a lack of agreement between the purchasing manager and the department director concerning any specifications, the purchasing manager will refer the case and all supporting documentation to the purchasing committee (Section 5.0) for determination.

4.1.3 Prepare, in cooperation with department directors, standard written specifications for supplies and/or services not exempted by this regulation especially those common to various City divisions.

4.1.4 Place orders for all supplies, materials, equipment or services, not exempted by this regulation, by the issuance of a purchase order.

(1) With the exception of professional services, it is the policy of the City to make awards to the vendor who meets the specifications for the items or services to be purchased at the lowest cost. Factors such as delivery time, quality, operating and maintenance costs, service, etc. as well as initial price, should be taken into consideration by the purchasing manager to determine the lowest cost vendor that meets the specifications, except in those cases where Council finds and shows just cause that it is in the best interest of the citizens of the City to award the contract to an individual or company with headquarters in the City that has submitted a bid within ten percent (10%) of the lowest bid.

(2) When the purchasing manager or department director deems that an award should be made to other than the lowest cost vendor or when the purchasing manager and the department director fail to agree upon what vendor should receive the award, the case with all supporting information is referred to the purchasing committee (Section 5.0) for determination.

4.1.5 Dispose of surplus or unused materials, supplies or equipment after they have been declared as surplus by the department director wherein the materials are located and agreed to by the purchasing manager.

In the event the department director and purchasing manager fail to agree, the matter with all supporting information will be forwarded to the purchasing committee (Section 5.0 of this Policy) for recommendation to the Managing Director.

Disposal shall be on an annual or more frequent basis as deemed necessary by the Managing Director in accordance with the procedure as determined from time to time by the purchasing committee. The sale of any surplus by a City employee, other than the purchasing manager, constitutes a violation of this regulation and will result in appropriate disciplinary action.

4.1.6 Enforce all purchasing regulations and procedures.

ADMINISTRATION AND GOVERNMENT

4.2 Responsibilities. The purchasing manager has the following responsibilities:

- 4.2.1 Procure for the City the highest quality in commodities and services that meet the user's needs at the least expense.
- 4.2.2. Purchase as many items as feasible "in bulk" to take full advantage of discounts.
- 4.2.3 Keep informed of current developments in the field of purchasing including prices and market developments.
- 4.2.4 Keep accurate and up-to-date records of all verbal and written solicitations and bids in a way that they are available for public inspection.
- 4.2.5 Provide assistance to any department director as required to draft specifications.
- 4.2.6 Pursue the possibilities of establishing cooperative purchasing agreements with other units of government that would be in the best interest of the City.
- 4.2.7 Formulate and circulate for approval, modifications or additions to purchasing regulations and procedures as deemed necessary.
- 4.2.8 Contact Pennsylvania Department of Labor and Industry when an invitation to bid is formulated, if the Pennsylvania Prevailing Wage Act is applicable.
- 4.2.9 Review and monitor department purchasing activities for compliance with the purchasing policy and procedures.

5 . 0 PURCHASING COMMITTEE:

- 5.1 Membership. The purchasing committee shall consist of (1) the Director of Finance or designee, (2) the City Solicitor or Designee, and (3) division manager from either Public Works, Police, Fire or Community Development. The division representative shall not be from the same department which is involved in the particular case or matter which has been referred to the purchasing committee.

5.2 Authority. The purchasing committee has the authority to meet as a body and to:

5.2.1 Approve or disapprove any suggested variance or to established purchasing policy or procedure.

5.2.2 Make a final decision when there is a disagreement over specifications, intent to make an award to other than the lowest cost vendor, a disagreement over vendor selection or any other situation that cannot be resolved by the purchasing manager and the department director.

5.3 Responsibilities. The purchasing committee has the responsibility to:

5.3.1 Review and attempt to clarify questions concerning the interpretation of purchasing regulations.

5.3.2 Provide purchasing policy development assistance to the purchasing manager as requested.

6.0 DEPARTMENT DIRECTORS:

6.1 Authorities. The individual department directors have the authority to:

6.1.1 Determine the need for all materials, supplies, equipment and services for their department.

6.1.2 Formulate specifications that are clear, concise and descriptive of all the requirements for all intended purchases.

6.2 Responsibilities. The individual department directors have the responsibility to:

6.2.1 Furnish the purchasing manager with all necessary information to assure that the purchase will be correct in all details.

6.2.2 Ensure that specifications are not restrictive and do not call for features or a level of quality unnecessary for an item's use, except as may be permitted in Section 6.2.3. of this policy.

6.2.3 Provide a valid written justification when requesting a proprietary item or issuing a restrictive specification.

ADMINISTRATION AND GOVERNMENT

- 6.2.4 Provide a list of suggested vendors. This may assist the purchasing manager in finding the item requested. It does not limit the purchasing manager to contacting those vendors.
- 6.2.5 Ensure that there is no commitment of the City to the purchase of any item, except those covered by the Emergency Purchase Procedure and Section 4.1.1 of this Policy.
- 6.2.6 Notify the purchasing manager as soon as possible after deliver if any material, supplies, or equipment is inferior in quality or in any way unsatisfactory.
- 6.2.7 Notify purchasing annually, by the date established by the purchasing manager, or any surplus, obsolete or scrap material or equipment that exist in their departments.

7.0 EXCEPTIONS TO PURCHASING POLICY:

Where these regulations conflict with requirements stipulated and/or mandated for the use of federal or other grant funds, the requirements governing the expenditure of those funds shall prevail.

8.0 EFFECTIVE DATE:

This regulation is effective on the date of issue.

ADMINISTRATIVE PROCEDURE
REQUISITION AND PURCHASE ORDER PROCESS

1.0 PURPOSE:

The purpose of this procedure is to outline the steps that must be taken by all City departments to purchase all materials, supplies, equipment and contractual services (herein referred to as “items”) under \$10,000 with the exception of:

- *Books and subscriptions
- *Business meeting expenses
- *Charitable contributions
- *Dues
- *Items Under fifty (\$50) dollars that can legitimately be purchased via petty cash (see Administrative Regulation “Petty Cash Funds”).
- *Postage
- *Tuition
- *Travel - meals, lodging, transportation
- *Utility services

The purchasing procedure for these excepted items is covered in Administrative Procedure, entitled, “Payment for Items and Services Without a Purchase Order”.

2.0 APPLICABLE TO:

All departments and divisions.

3.0 DEFINITIONS:

- 3.1 Accounts Payable - the section within the accounting office which is responsible for approving payment of City bills.
- 3.2 User - the term employed to identify the party initiating a request to purchase materials, equipment, and/or services a department director or his/her assignees.
- 3.3 Vendor - a supplier or seller of items to the City.

4.0 THE REQUISITION PROCESS:

- 4.1 Preparing a Requisition Form. User must determine the item/service needed and communicate an accurate and complete description to the purchasing manager. If appropriate, requisition should include an explanation of the proposed usage so that the purchasing manager may communicate to potential vendors exactly what is expected of the product. The requisition process is initiated by the user's completion and forwarding of a requisition via the City's computer system.

Page 6

ADMINISTRATION AND GOVERNMENT

- 4.2 Routing the Requisition & Purchase Order. The following steps are taken in routing the requisition:

<u>Responsibility</u>	<u>Action</u>
Department Director	1. Initiates the requisition via the City's computer system and forwards to the purchasing manager.
Purchasing Manager	2. Reviews request, obtains quotes and determines what vendor can best provide the requested items or services. Makes necessary revisions if any. Initiates purchase order and forwards to Accounts Payable to determine if sufficient funds are available.
Director of Finance	3. Examines all purchase requests for budget authorization. If questions arise, contacts purchasing or user for clarification or explanation. If approved, forwards to purchasing manager.
Purchasing Manager	4. Distributes copies of purchase order to appropriate offices and mails vendor copy to place order.

- 4.3 Review of Requisition by Purchasing Manager. The requisition provides the purchasing manager with information necessary to shop in a competitive market for the items requested. The purchasing manager seeks the vendor who can provide the items at the best price for the quality needed and who can meet the allotted time period for delivery.
- 4.4 Dollar Limits Covering Vendor Solicitation. With the exception of professional services, the purchasing manager follow the following guidelines concerning the dollar limits covering vendor solicitation.
 - 4.4.1 Purchase under \$500 - Price quotes will be sought by the division head.
 - 4.4.2 Purchases between \$501 and \$10,000 - a verbal or written solicitation which involves an oral or written price statement from a vendor to the purchasing manager for a particular commodity or service. A written record of quotes will be maintained.
 - 4.4.3 Purchases of \$10,000 - a formal solicitation through advertising which requires vendors to submit sealed bids accompanied by a bid surety (see Administrative Procedure "Bid Solicitation, Evaluation & Award Procedure"). It shall be option of the Executive Branch to advertise for bids to purchase those items that may be exempted under the City Charter and the Administrative Code.
- 4.5 Time Requirement. Users should allow sufficient time, normally 7-10 days, for purchase under \$10,000 and 2-1/2 weeks or more for items requiring bids (over \$10,000). All divisions should carefully plan their purchases so rush situations are not created.
- 5.0 PLACING THE PURCHASE ORDER:
 - 5.1 Authorization. After a requisition is processed purchasing completes a purchase order. The purchase order authorizes the vendor to ship items or provide services and invoice items as specified.
 - 5.2 Identification. All purchase order will be automatically assigned a purchase order number when the requisition is entered into the system. Letter codes designates type of purchase order.
 - 5.3 The Purchase Order Form. The purchase order is a five part, color coded form that is prepared by purchasing.

ADMINISTRATION AND GOVERNMENT

- 5.5 Routing of the Purchase Order. Each of the five parts of the Purchase Order are routed as follows:

<u>Part Color</u>	<u>Reference</u>	<u>Function</u>
White	Accounts Payable	Used to confirm materials Copy have been delivered by comparing to receiving report sent by bureaus, to indicate complete or partial delivery of materials ordered.
Pink	Vendor Copy	Authorizes the vendor to ship and invoice items as specified.
Gold	Purchasing Office Copy	Retained for central purchasing records.
Blue	Department's Receiving Report Copy	Sent to department from purchasing to be filed by account number. When items are received department forwards with receiving slip to accounts payable.
Green	Department Filing Copy	Sent to department with receiving (blue) copy to be filed by account number. Used by department as reference for vendors, prices and budget preparation.

6.0 RECEIVING ORDERED MATERIALS:

Procedures for receiving materials are specified in Administrative Procedure entitled "Receiving Shipments of Materials or Equipment."

7.0 EFFECTIVE DATE:

This procedure is effective on the date of issue.

ADMINISTRATIVE PROCEDURE

EMERGENCY PURCHASE PROCEDURE

1.0 PURPOSE:

The purpose of this procedure is to establish the proper purchasing procedure in times of emergency.

2.0 APPLICABLE TO:

All departments.

3.0 DEFINITION:

3.1 An emergency is defined as an unanticipated situation requiring immediate action to avoid the loss of life, or property.

4.0 POLICY:

4.1 There will be no commitment of City funds to purchase goods or services outside the normal purchasing procedure, unless the need meets the criteria as defined above in Section 3.1.

4.2 The Mayor has the authority to declare a State of Emergency as provided for by Pennsylvania statutes and to subsequently suspend all standard operating purchasing procedures.

5.0 EMERGENCY PURCHASING PROCEDURE DURING NORMAL WORK HOURS:

<u>Responsibility</u>	<u>Action</u>
Department director	1. If an emergency occurs during normal working hours, the department director receives permission from the Managing Director to request the purchasing manager to order the materials and/or services necessary. The department director may suggest a vendor with whom he/she is familiar and considers reliable.
Purchasing Manager	2. The purchasing manager, if time permits, will contact vendors and receive price quotes. 3. The purchasing manager obtains the price for each item, the total amount, the date, and location of delivery. The purchasing manager verbally places the order with the vendor.

	<p>4. The purchasing manager informs the vendor that a confirming purchase order will follow and that the vendor should send the invoice to accounts payable once the purchase order is received.</p> <p>5. The purchasing manager informs the department director of the vendor, prices, total amount, etc., in order that a requisition can be prepared.</p>
Department Director	<p>6. The department director prepares a confirming emergency requisition for processing immediately upon notification of pertinent data by the purchasing manager.</p> <p>7. The department director shall issue a memo referencing the purchase order and describing the nature of the emergency.</p> <p>The department director shall <u>not</u> wait for an invoice from the vendor prior to completing a requisition form.</p>

6.0 EMERGENCY PURCHASING PROCEDURE AFTER NORMAL WORK HOURS:

<u>Responsibility</u>	<u>Action</u>
Department Director	<p>1. The department director, or if unavailable the on site supervisor, is responsible for authorizing an order with a vendor if an emergency occurs after normal working hours.</p> <p>2. The department director shall call the purchasing manager the following work day with details of the emergency purchase.</p> <p>3. The department director shall complete a confirming emergency requisition.</p> <p>4. The department director's action is subject to review by the purchasing manager and the Managing Director to determine compliance with this regulation.</p>

7.0 PREPARATION OF A REQUISITION FORM FOR AN EMERGENCY PURCHASE:

7.1 Completion of the Form.

- 7.1.1 A requisition for an emergency purchase is completed in the same manner as a requisition for a regular purchase which is described in Administrative Procedure "Requisition and Purchase Order Process"; however, under column "Check One" Confirming Emergency Purchase must be indicated.

8.0 EFFECTIVE DATE:

This procedure is effective on the date of issue.

ADMINISTRATION AND GOVERNMENT

ADMINISTRATIVE PROCEDURE

BLANKET ORDER PURCHASES

1.0 PURPOSE:

The purpose of this issuance is to explain the nature of blanket order purchases and to define the specific procedures for establishing blanket orders, making purchases with blanket orders, and renewing and closing blanket orders.

2.0 APPLICABLE TO:

All departments and divisions.

3.0 BLANKET ORDER PURCHASE:

- 3.1 General. A blanket order purchase is a special type of purchase order issued by the purchasing manager and designed to reduce the administrative effort and costs of placing recurrent orders for necessary items or services, such as heating fuel or repairs to office equipment.

Blanket orders normally call for an undetermined quantity of a product to be delivered or a service to be provided on a continuing basis from a single vendor. In some cases, the quantity may be estimated at an agreed upon unit price.

Only one blanket order at a time may be issued to a specific vendor, from a standard account. A single blanket order may however cover one or more types of items or services.

A blanket order may be issued any time during a calendar year, unless otherwise determined by the Director of Finance. Blanket orders will be invalid after December 31st of the year issued.

A11 blanket order in excess of \$50,000 must be approved by Council unless issued in accordance with a contract previously awarded by Council.

3.2 Types of Blanket Orders. Two types of blanket orders exist:

- 3.2.1 Regular Blanket Orders (B) - referred to as merely blanket orders, are established with a vendor for a fixed dollar amount, but do not necessarily indicate the specific items or services to be purchased, their quantity, or unit price. The description is to state generally what is to be purchased, i.e. "various automotive replacement parts such as but not limited to filters, spark plugs, belts." Statements such as "Supplies as may be needed from time to time" are unacceptable.

- 3.2.2 Blanket Orders with Price Agreements (BA) - Blanket orders with price agreements are regular blanket orders where the unit price of the items or services are agreed upon with the vendor for a stated period of time, i.e. fuel oil for the year. . . . Items and prices should be clearly stated in the description along with date of quote or contract award and period of agreement.

4.0 PROCEDURES FOR ESTABLISHING BLANKET ORDERS:

The correct procedure to establish a blanket order is defined below. Blanket order requisitions are initiated and forwarded via the City's computer system.

<u>Responsibility</u>	<u>Action</u>
Department Director	1. Determine the items or services to be purchased on a recurring basis. 2. Initiates a requisition via the City's computer system to request a blanket order and forwards to purchasing manager.
Purchasing Manager	3. Reviews the requisition for suitability and completeness. 4. Determines the most suitable vendor and whether a price agreement can be acquired. Issues the blanket order on a purchase order form to the selected vendor, stating what items or types of items may be ordered. (If the vendor selected is other than one of the suggested vendors on the requisition, the purchasing manager notifies the department director making the blanket order request <u>before</u> placing the purchase order.)
Accounts Payable	5. Determines if sufficient funds are available in specified account. If specified account has insufficient funds, notifies user to request a transfer from another account.
Director of Finance	6. Examines blanket order for budget authorization. If questions arise, contacts user or purchasing for clarification or explanation. If approved, forwards to purchasing.

ADMINISTRATION AND GOVERNMENT

Purchasing Manager 7. Distributes of copies to appropriate offices and mails vendor copy.

5.0 ROUTING OF HE PURCHASE ORDER FORM:

5.1 When used to establish a blanket order the purchase order form is routed in the same manner as a regular purchase order.

5.2 The five parts of the purchase order are routed as follows:

<u>Part Color</u>	<u>Reference</u>	<u>Function</u>
White	Account Payable Copy	Used to confirm materials delivered by comparing to receiving report sent by department to indicate complete or partial delivery of materials ordered.
Pink	Vendor Copy	Authorizes the vendor to ship and invoice items as specified.
Gold	Purchasing Office Copy	Retained for central purchasing records.
Blue	Department's Receiving Report Copy	Sent to department from purchasing to be filed by account number. When items are received, department forwards packing slip and invoice accounts payable referencing appropriate purchase order.
Green	Division Filing	Sent to department with receiving (blue) copy to be filed by account number. Used by division as a reference for vendors, price and budget preparation.

6.0 PROCEDURES FOR BUYING ITEMS AGAINST A BLANKET ORDER:

Once a blanket order is established, the department director may approve the purchase of items covered by the blanket order.

The correct procedure to buy items against a blanket order is defined below.

<u>Responsibility</u>	<u>Action</u>
Using Department	<p>1. Department director or designee approves all blanket order purchases before they are made. Authorized employee must present proper City identification to vendor.</p> <p>Single item purchases over \$500 must be preapproved by the purchasing manager, as per Section 4.4.2 of the Requisition & Purchase Order Process.</p> <p>After purchase, receiving slip is filed with the blue copy of the appropriate blanket order until copy of vendor invoice is received from accounts payable. If department inadvertently receives original invoice, it should be transferred to accounts payable.</p>
Accounts Payable	2. Upon receipt of invoice from vendor, a copy is forwarded to the using department.
Using Department	3. Confirms accuracy of invoice, including price and availability of funds. Ensures that purchase order number, requisition number and code are on the invoice. Obtains signature of department director and forwards with receiving slip to accounts payable for payment.
Accounts Payable	4. Pays bill from the account used to establish the blanket order. Confirms accuracy of price with that listed on purchase or contained in contract or price agreement with vendor. Reduces blanket order amount accordingly.

ADMINISTRATION AND GOVERNMENT

7.0 PROCEDURES FOR RENEWING A BLANKET ORDER:

When a purchase is desired against a blanket order and insufficient funds are available from the blanket order, there are two options:

- * If the purchase is the last one to be made against the blanket order, the department director may request accounts payable to add up to \$50 additional funds to cover the last purchase. If more than \$50 is required, the department should issue a separate requisition for the purchase.
- * If more than \$50 is required to make the purchase and additional purchases are desired against a blanket order on a continuing basis, a renewal must be made.

In case of a renewal, the department director completes a new requisition. The procedure, herein, is the same as previously stated for requesting a new blanket order.

8.0 CLOSING A BLANKET ORDER:

A department director may desire to close a blanket order even though funds are still reserved.

To close an existing blanket order the department director sends blue copy of purchase order to Accounts Payable with instructions to cancel it. Accounts payable removes the reservation and transfers the remaining funds into the same standard account of the department.

- * A department shall not have more than one blanket order with the same vendor, in the same expenditure code, unless one blanket order falls below \$25.

9.0 EFFECTIVE DATE:

This procedure is effective on the date of issue.

ADMINISTRATIVE PROCEDURE
PAYMENT FOR ITEMS AND SERVICES WITHOUT A PURCHASE ORDER

1.0 PURPOSE:

The purpose of this administrative communication, is to:

- (1) Define the categories of purchases for which payment is authorized by use of the Accounts Payable Approval form.
- (2) Explain the procedure whereby payment to vendors is authorized by use of the Accounts Payable Approval form.

2.0 APPLICABLE TO:

All departments and divisions.

3.0 CATEGORIES OF PURCHASES MADE NOT REQUIRING A PURCHASE ORDER:

Certain categories of purchases do not require the department to follow the requisition/purchase order process, and the orders are not placed by the purchasing manager as outlined in Administrative Procedure "Requisition and Purchase Order Process".

Categories of purchases that do not require a purchase order are as follows:

- * Arbitration costs
- * Association dues
- * Books and subscriptions
- * Business meeting expenses
- * Charitable contributions
- * Debt service & related fees
- * Insurance
- * Items under fifty dollars (\$50) that can legitimately be purchased via petty cash
- * Postage
- * Professional Services Fees
- * Tuition
- * Travel expenses - including meals, lodging and transportation (travel policy must be followed)
- * Utility services
- * Workers compensation disbursements

Only the expenses and services listed above may be purchased with payment authorized by the Accounts Payable Approval form.

ADMINISTRATION AND GOVERNMENT

4.0 SPECIFIC PROCEDURES FOR PAYMENT WITH AN ACCOUNTS PAYABLE APPROVAL FORM:

<u>Responsibility</u>	<u>Action</u>
Department Director	<ol style="list-style-type: none">1. Determines if adequate funds are available in the appropriate account for the expense.<ol style="list-style-type: none">a. If adequate funds are not available in the appropriate account, initiates a budget transfer.2. Determines if items or services may be purchased by the accounts payable process. If so, contacts vendor directly and gives necessary information for purchase.3. Receives goods or services.4. After receiving goods or services and determining them to be satisfactory, completes an accounts payable approval form as an authorization for payment.5. Forwards copy of the accounts payable approval form and vendor invoice to the Director of Finance for authorization.
Director of Finance	<ol style="list-style-type: none">6. Reviews accounts payable approval form and if approves, signs accordingly and forwards with the invoice to Accounts Payable.
Accounts Payable	<ol style="list-style-type: none">7. Audits account payable approval form to verify funds are available in the account(s) specified.<ol style="list-style-type: none">a. Returns to department director for transfer if funds are not available in account(s) specified.8. Insures that proper payment is made to vendor.9. Notifies department director of payment through issuance of monthly report of payments.

10. Forwards original copy plus vendor invoice to accounting for filing.

5.0 EFFECTIVE DATE:

This procedure is effective on the date of issue.

ADMINISTRATION AND GOVERNMENT

ADMINISTRATIVE PROCEDURE

RECEIVING SHIPMENTS OF MATERIALS, SUPPLIES AND EQUIPMENT

1.0 PURPOSE:

The purpose of this issuance is to outline the required procedures for the receipt of materials delivered by vendors after procurement by purchase order.

2.0 APPLICABLE TO:

All departments and divisions.

3.0 RECEIVING ORDERED MATERIAL:

3.1 Responsibility. Each item received must be inspected for damage and correctness of order. Accounts Payable must be notified of all shipments received in order to properly pay bills. These duties are the responsibility of the using department personnel.

3.2 Receiving Shipments in Full or in Part. The receiver should check the packing slips to insure that all items were shipped as ordered. If the order is received in full, the packing slip should be signed, dated and filed with the "department" (green) copy of the purchase order. The signature and date is confirmation that the order was received as indicated.

If a partial shipment is received, the packing slip should indicate that the remainder of the order is on back order. If so, the slip should be signed, dated and forwarded to Accounts Payable with a copy of the purchase order for payment. A copy of the receiving should be filed with the "department" blue copy. If a back order is not indicated or the complete order is not received by the agreed upon date, the purchasing manager should be notified within one (1) working day for follow up with the vendor.

3.4 Incorrect or Damaged Shipments. The person receiving items inspects them for damage and correctness of order. If an order is delivered not as specified, the user shall contact the purchasing office within one (1) working day of receipt of the order. The user will explain why the delivery was unacceptable and request that provisions be made for a satisfactory replacement or a supplemental delivery. The purchasing manager shall also be contacted immediately if the vendor cannot comply with the original order.

- 3.5 Invoices. Although the vendor is directed to send all invoices to accounts payable, occasionally they may be included with a shipment. The user shall forward all invoices to accounts payable immediately for proper payment, if they are included in the shipment.

- 4.0 Effective Date: This procedure is effective on the date of issue.

ADMINISTRATION AND GOVERNMENT

ADMINISTRATIVE PROCEDURE

BID SOLICITATION, EVALUATION AND AWARD PROCEDURE

1.0 PURPOSE:

The purpose of this issuance is to define and explain the procedures followed in the invitation/solicitation, opening, evaluation and award of bids for purchases over \$10,000

2.0 APPLICABLE TO:

The Purchasing Office of the City of Reading and all departments and divisions.

3.0 DESTINATIONS:

3.1 Bid - the formal offering of a price by a vendor for a specific commodity or service costing over \$10,000 and requiring bid surety.

3.2 Bid Solicitation - a type of vendor solicitation used that requires the City to advertise for equipment, supplies and services desired and requires vendors to submit sealed bids.

3.3 Invitation to Bid - a document prepared by purchasing and sent to bidders for the purpose of soliciting bids on goods and services.

3.4 Mailing List - a current list of vendors offering supplies, equipment and services maintained by purchasing.

3.5 Public Work of the City - includes any service provided by the City on an ongoing basis for the welfare and protection of property and persons within its political bounds.

3.6 Responsible Bidder - a type of vendor that possesses at least, but not limited to the following - adequate production facilities, sound financial standing and a sufficient experience in the business of producing and/or supplying goods or services.

3.7 Responsive Bidder - a type of vendor that complies with all specifications put forth by the invitation to bid.

3.8 Single Source Supplier - a supplier who is the only vendor able to furnish a certain item or service.

3.9 Specifications - requirements and/or instructions that must be properly addressed and followed by bidders.

3.10 Vendor - a supplier of goods or services.

3.11 Verbal Solicitation - a type of vendor solicitation which involves an oral price statement from a vendor to the purchasing manager for a particular commodity or service.

3.12 Written Vendor Solicitation - a type of vendor solicitation that requires a written price quotation from the vendor to the purchasing manager.

4.0 GENERAL POLICY:

4.1 Central purchasing authority and responsibility in the City rests with the purchasing manager and the Purchasing Office.

4.2 The building process is a public process that is subject to public scrutiny and review. All purchasing procedures and regulations shall be written and made available for public review.

4.3 Any deviation from normal operating practices shall require proper documentation and approval by the Managing Director.

4.4 Projects or contracts which are federally funded must comply with provisions set forth by the United States Department of Labor, the United States Department of Housing and Urban Development, and the Office of Federal Contract Compliance Programs.

4.5 The Office of Community Development is responsible for monitoring contracts involving federal funds, including labor compliance.

5.0 PURCHASES REQUIRING BID SOLICITATION

5.1 All purchases over \$10,000 require bid solicitations except those listed below:

5.1.1 Public utility service under tariffs on file with the Pennsylvania Public Utility Commission.

5.1.2 Any items purchased through Federal or Commonwealth programs that have different bidding requirements mandated by a grant program.

5.1.3 Purchases made through intergovernmental cooperation as governed by 1972, P.L. 762, No.180, 53 P.S. 481 as amended and Act 31 of 1971 the Commonwealth's cooperative purchasing program, a Commonwealth law of general application.

ADMINISTRATION AND GOVERNMENT

- 5.2 Bid solicitations or RFP's are not mandatory for the items listed in 5.1; however, requests by department directors to bypass the bid solicitation or RFP procedure must have valid justification. All such requests shall receive approval by the Managing Director on a case by case basis.

6.0 MAILING LIST:

- 6.1 General. The bidders list is a current list of suppliers of various categories of commodities. The purchasing manager shall develop and maintain the mailing list.

- 6.2 Membership. The mailing list consists of:

- * Vendors with whom there has been a satisfactory, past relationship.
- * Vendors added by the purchasing manager as a result of research in trade journals, other documents or by consultation with user departments.
- * Vendors who contact purchasing in response to newspaper advertisements or in anticipation of the City's future needs.
- * Vendors who have never provided goods or services to the City and who request to be added to the City's mailing list, may be added on a probationary basis.

If a vendor is proven to be acceptable either through a positive experience with the City or through acceptable reference checks, that vendor may be placed on the City's mailing list.

The purchasing manager will review and update each commodity group at least once every two (2) calendar years.

- 6.3 Removal. Vendor files shall be located in purchasing. It is the responsibility of the department to notify purchasing by memorandum of any supplier that does not act in a responsible manner.

A bidder may be removed from the mailing list when:

- * There are three (3) or more consecutive no responses to a request for quotation, within a one (1) year period.
- * There is failure to submit a bid for an annual contract for two (2) consecutive years.
- * Consistent inability to meet specifications and delivery dates.

- * General failure to keep commitments.
- * Consistent complaints by users about the quality of the product or service.

Evidence of such failures of performance shall be documented by the department director and forwarded to the purchasing manager and the purchasing committee for review. If the committee determines that removal from the list is justified, the vendor shall be notified in writing explaining the reasons for removal.

- 6.4 Reinstatement. A vendor can be reinstated to the mailing list upon receipt of a letter of application that explains their interest in City purchasing, if the reason for removal was the vendor's failure to reply to the invitation to Bid.

If the vendor was removed for inability to meet specification, meet delivery dates or for offering a poor quality item, the vendor must take steps to show the purchasing manager that the problem has been or is being corrected. The purchasing manager will file the documentation submitted by the vendor in the appropriate vendor file and if acceptable will reinstate the vendor to the mailing list.

7.0 SOLICITATION PROCEDURE.

- 7.1 Product or Service Determination. The department director determines the need for a product or service and is responsible for budgeting the item. Purchasing can assist in deciding upon a reasonable figure for the particular item.

- 7.2 Authorization. A memo requesting the purchasing manager to advertise for bids for a specific item or service shall be initiated by the user department and approved by the Managing Director and Director of Finance.

- 7.3 Requisition. The department director will initiate a requisition

- 8.0 PREPARING SPECIFICATIONS. The specifications that are included in the invitation to Bid are prepared by either user department personnel and/or the purchasing office depending upon the circumstances involved. Specifications are required in all bid solicitation situations, and optional based upon the need in all other cases as determined by the purchasing office. The City strongly discourages restrictive specifications that can favor certain vendors.

- 8.1 If the user department decides to prepare the specifications, the department director should contact various suppliers of the product or service and request

ADMINISTRATION AND GOVERNMENT

manufacturer's specifications. The purchasing office may be able to assist in this part of the procedure.

All users should be wary of salespersons who may attempt to influence how the City's specifications are drafted. The user should be aware that the City benefits the most when there is good competition among numerous vendors.

- 8.2 The user reviews all the manufacturer's specifications and prepares the City specifications so that as many suppliers as possible will be able to meet the requirements without sacrificing quality. The specifications should include all essential requirements to insure that the item meets the user's needs, but simultaneously containing only those features that are necessary for an item's intended use.
- 8.3 The department director attaches the drafted City specification to the manufacturers' specifications used, and forwards to the purchasing office.
- 8.4 Purchasing will review the drafted specifications to assure that as many vendors as possible can successfully meet the requirements and respond to the Invitation to Bid. If the purchasing manager feels that the specifications as drafted will not support competition, necessary changes will be made with the approval of the department director. If the purchasing manager and the department director cannot agree on a common ground, they will meet with the Managing Director to make the final determination of how the specifications will read.
- 8.5 The purchasing office may with the cooperation of the department director organize a pre-bid conference with potential vendors for the purpose of reviewing draft specifications for completeness, accuracy and fairness.

9.0 INVITATION TO BID

- 9.1 General. The Invitation to Bid which is prepared by purchasing establishes the criteria for determining the responsive bidder by outlining the procedure bidders must follow to be considered for the bid award. The Invitation to Bid or a copy of the newspaper ad outlining the bid solicitation may be sent to vendors in that particular category of the mailing list.
- 9.2 Procedural requirements included in the bid packet outline standard instructions to be followed for bidding, delivery and, completion schedules, payment, invoicing procedures, and conditions for inspections and acceptance of purchased items.

9.3 Notice Inviting Bids.

9.3.1 Newspaper. Public notice shall be given for all bid solicitations by publishing an advertisement two times, each publication on a different day, in at least one newspaper of general publication. The bids shall not be opened until at least ten days have elapsed after the first advertisement.

The notice shall include at least:

- * A description of the equipment, supplies, products or services to be purchased.
- * Where the bid form and specifications can be obtained.
- * The deadline and location for submission.
- * Reference to prevailing wages if applicable.

9.3.2 City Hall. A notice of the advertisement for bids bulletin shall be posted on the board at City Hall.

9.3.3 Mailing List. The purchasing manager shall solicit sealed bids from suppliers of the particular commodities on the mailing list (see Section 6.0) by sending copies of the newspaper notice, the invitation to bid itself or other such notice that will familiarize the vendor with the proposed purchase.

9.4 Bid Security. Purchasing shall require a bid security that serves the purpose of protecting the interest of the City. The bid security will be required equally of all bidders.

9.4.1 Security Amount. All bids shall be accompanied by cash, certified check, a bond with corporate surety or at the City's option, an irrevocable letter of credit in the amount of ten percent (10%) of the bid.

10.0 BID RECEIPT, OPENING AND TABULATION.

10.1 Receipt. All bids shall be submitted in a sealed envelope, marked with the bid number and delivered to the Purchasing office by the date and time of the bid opening or the deadline as advertised.

ADMINISTRATION AND GOVERNMENT

Upon receipt, the bid envelope shall be stamped with the date and time received and placed in a locked filing cabinet until the time of the opening. All bids shall remain sealed until the time of the bid opening.

10.2 Opening. All bids submitted in response to the City's Invitation to Bid shall be opened by the purchasing manager and witnessed by the division head, city clerk, and City Auditor, or their designees at the time and date advertised in the legal notice. The bid opening shall be held in a public forum and may be attended by the news media, concerned citizens and interested vendors.

10.3 Tabulation. All bids shall be tabulated. The tabulation becomes a permanent record of all bids received, showing the bidder's name, items and prices. Bids considered invalid, i.e., submitted without security, will be listed on the schedule as such.

The tabulation shall be filed in the purchasing office for seven (7) years to be used as evidence of competitive practices and serve as a source of information if questions do arise.

11.0 BID EVALUATION AND AWARD:

11.1 No Bids. If a situation occurs that no bids are received by Purchasing, the purchasing manager shall:

11.1.1 Review the specifications to insure that they are not overly restrictive or unrealistic and after being duly authorized, re-issue the Invitation to Bid with or without adjusted specifications.

11.2.1 If again bids are not received, the City may enter into a contract for purchase of the item within forty-five (45) days of the second advertisement thereof, in accordance with PA Act 1979-78.

Regardless of action, the purchasing manager shall document in writing the steps taken and reasons for the action.

11.2 Other Situations.

11.2.1 Late Bids. Late bids, regardless of the circumstances, are unacceptable.

11.2.2 Tie Bids. Only on rare occasions are bids received from responsible vendors for the same amount or unit price, with quality and service being equal. In such instances, the following procedure for awarding the contract will be followed:

If one of the tie bids is a City vendor the contract shall be awarded to that firm.

If two or more bidders are City vendors, or if no bidders are located in the City, the award shall be made by drawing lots in a public forum.

This tie bid procedure will only be followed when the tie bidders are all responsible bidders and equal in quality and service, as well as price.

- 11.2.3. Alternate Bids. By City policy, alternate bids are not encouraged. As a rule, if a bid is not responsive to the Invitation to Bid, it should be rejected. However, if the alternate bid reflects the only product or service the firm has to offer and if the bid is advantageous to the City through lower cost for a quality item, the purchasing manager shall consult with the appropriate department director and the purchasing committee prior to making the final recommendation. In all cases, the purchasing manager shall:

Document the decision on accepting or rejecting an alternate bid with reasons for the decision.

Be sure that all respondents to an invitation to Bid have received opportunities equal to that of the alternate bidder.

- 11.2.4 Adjustments Due to Errors. If a mistake is discovered after opening, only those deviations which do not give a bidder an unfair advantage over his/her competitors will be permitted. These include, but are not limited to multiplication errors in completing totals form, unit prices (the unit price will prevail) and an obvious misplacement of decimal points.

- 11.2.5 Withdrawal of Bids. If the bidder discovers an error after submittal, but prior to opening, he/she will be permitted to make formal changes or withdraw the bid before the bid opening without revealing the bid amount.

A new sealed bid should be delivered in person or by mail, prior to the deadline advertised in the legal notice.

A bidder to a construction contract may withdraw a bid from consideration after the bid opening without forfeiture of the 10% bid surety, if the bid was submitted in good faith and the bidder

ADMINISTRATION AND GOVERNMENT

submits credible evidence that a clerical mistake or an unintentional omission of a substantial quantity of work, labor, material or services was made in direct compilation of the bid and the reason for the price being substantially lower, as opposed to a judgment error.

- 11.3 Rejection of Bids. City Council or the Administration whichever applies, shall have the authority to reject a single bid or all bids for reasons including but not limited to the following circumstances

- * Unreasonably high bid prices
- * Late arrival
- * Alternate bids
- * Error corrections that would give an unfair advantage
- * Suspicion of collusion among bidders
- * Substantial non-conformance with bid specifications
- * Failure of the bid to meet the criterion of being the lowest responsive and responsible bidder

11.4 Bid Award.

11.4.1 It is the policy of the City to make awards to the vendor who meets the specifications for the items or services to be purchased at the lowest cost. Factors such as delivery time, quality, operating and maintenance costs, service, etc., as well as initial price, should be taken into consideration in determining the lowest cost vendor.

11.4.2 The department director shall review all bids and make a recommendation to the purchasing manager by completing the "Recommendation to Award Contract" form.

If the purchasing manager does not agree with the recommendation of the department director, the award will be referred to the purchasing committee for determination.

11.4.3 The Director of Finance shall review the recommendation to ensure an award is compatible with the budget.

11.4.4 The Managing Director shall approve all recommendations.

11.4.5 The Mayor shall have final approval of contract under \$50,000.

11.4.6 City Council shall award or reject all contracts exceeding \$50,000.

- 11.4.7 A purchase order shall be initiated after the contract award; however, it shall not be issued until the contract documents have been finalized.
- 11.4.8 The successful vendor after receiving the contract documents has ten (10) working days to sign and return with the necessary bonds.
- 11.4.9 If the selected vendor fails to deliver a bond or items bid within the time limits specified, the purchasing manager may choose to recommend rescinding the award and re-advertise for bids. In such event, the delinquent bidder shall be responsible for the costs of re-bidding and the amount of any increase in the contract price thereby resulting. The purchasing manager shall properly document the action, the reasons for the action and retain the vendor bid surety not as a penalty, but as liquidated damages for inability to comply with the contractual agreement.

12.0 EFFECTIVE DATE:

This procedure is effective on the date of issue.

ADMINISTRATION AND GOVERNMENT

ADMINISTRATIVE REGULATION

PURCHASING OF PROFESSIONAL SERVICES

1.0 PURPOSE:

The purpose of this regulation is to outline the process involved for preparing specifications, letting of Request for Proposals (RFP's), awarding contracts and payment of bills for professional services.

2.0 APPLICABLE TO:

All department directors.

3.0 POLICY:

3.1 For the purpose of this regulation the term “professional” is defined as those persons or firms marketing services requiring advanced academic or technical training skills. Examples of professional services include work done by the following contractors but is not necessarily limited to these services:

- * Accountants
- * Architects
- * Attorneys
- * Bond Underwriters
- * Engineers
- * Insurance Consultants, Agents, and/or Brokers
- * Investment Advisors
- * Physicians

3.2 Professional service contracts are not to be confused with standard contracts which seek a price or costs for particular work detailed in specifications. Professional contracts seek expertise through an RFP and pricing or cost may not be of “primary” importance.

3.3 A professional contract, while it is based upon work performed in response to task specifications and the need for a finished product as outlined by the City and agreed to by a contractor, it is one that by its very nature cannot be awarded solely based upon the selection of the lowest bidder.

3.4 Factors other than price alone must be carefully weighed in the review of proposals and the award of such contracts. These factors include the professional qualifications/certifications, special skills, experience, and familiarity of the contractor with the work requested, all of which have an impact on the quality of the product/service to be delivered.

Page 33

4.0 PREPARING REQUESTS FOR PROPOSALS (RFP'S) FOR CONTRACTS GREATER THAN \$10,000.

4.1 When to prepare an RFP.

- 4.1.1 Unless otherwise determined by the Managing Director, any purchase of professional service in amounts exceeding \$10,000 must be made by written contract and initiated by an RFP. Competitive proposals increase the ability to fully evaluate both the benefit and costs of the services being sought.
- 4.1.2 Notwithstanding any other provisions to the contrary if the Managing Director so determines, no RFP shall be required for an employee engaged in providing professional services to the City who terminates employment with the City and shall than be engaged as an independent contractor. In addition, no RFP shall be required for an independent contractor whose engagement terminates, if the Managing Director desires to continue the engagement by the City.
- 4.1.3 For all contracts expected to exceed \$10,000 including these which are multi-phased (e.g., feasibility study and design, person(s) designated by the Managing Director shall prepare an RFP specifically for the extent of the work effort that can be defined at that particular time. The RFP should solicit information pertaining to the contractor's qualifications and costs (including appropriate hourly rates, etc.) for as many phases as appropriate. Costs and qualification information should then be utilized to select the contractor. For any subsequent phases of the contract that have not been specifically defined in the initial RFP, a new RFP should be drafted and circulated to secure competitive proposals from interested contractors.

4.2 How to write an RFP:

The Request for Proposal shall clearly describe the desired services and may include, but not be limited to, the following information:

- * General background information pertinent to the requested services.
- * Nature and scope of requested services including minimum tasks and activities to be performed together with prescribed completion schedule.

ADMINISTRATION AND GOVERNMENT

- * Methodology and technical approach to be used in accomplishing the requested work.
- * Description of reports required.
- * Documentation of qualifications and experience in similar work and resumes of staff members to be assigned to the engagement.
- * Compensation information including detailed cost information itemizing hours and rates of each class of staff to be utilized, and out-of-pocket expenses such as travel, telephone, publication and duplication.
- * Estimated utilization of City resources necessary to complete the engagements.
- * Information as to the City's evaluation and selection process.
- * Minority Business Enterprise (MBE)/Woman Business Enterprise (WBE) participation.

5.0 CONTRACTS LESS THAN \$10,000:

- 5.1 The department director or person designated by Managing Director to handle the assignment, shall request written proposals from at least three (3) firms. Proposals shall include the fee either in the form of a unit cost and/or total maximum cost to be charged. After analysis, a written report and recommendation shall be presented to the purchasing manager, Director of Finance and Managing Director for final approval.
- 5.2 If requested, unsuccessful firms shall be given an explanation as to the reasons for the selection.
- 5.3 The department director should take precautions to project the total cost of professional service contracts that are multi-phased. An RFP must be prepared for those multiphased contracts, the total cost of which could exceed \$10,000.

6.0 THE PURCHASING MANAGER'S RESPONSIBILITY:

For purposes of consistency, the purchasing manager shall be appointed to all committees designated to prepare RFP's, review all documents prior to issuance and evaluate submissions.

The Managing Director shall authorize the advertising for professional services by the purchasing manager, who will advertise in local newspapers of general circulation, regional metropolitan. newspapers and trade journals, if applicable.

- 6.1 The advertisement shall give notice that an RFP is available for review by interested firms. Basic information describing the requested services, where the document can be obtained and the deadline and location for submission shall be included.
- 6.2 At the discretion of the purchasing manager or designated project administrator a pre-proposal conference may be held with all interested firms to clarify any questions.

7.0 SELECTION OF PROFESSIONAL SERVICE CONTACTS GREATER THAN \$10,000

- 7.1 The proposals of those firms responding to an RFP are reviewed by a selection committee designated by the Managing Director.
 - 7.1.1 The selection committee shall consist of the purchasing manager, the department director and at least one other designated person.
 - 7.1.2 The selection process shall be based on the objective criteria contained in the RFP (Section 4.2) and not necessarily on the lowest bid. Examples of the evaluation criteria include: size and experience of the firm on similar projects, client references, demonstrable understanding of the requested work, the ability and/or commitment to meet the prescribed completion schedule, and the cost estimates.
 - 7.1.3 The selection committee shall, according to the level of importance, determine a maximum number of points attainable for each criteria. The committee members shall independently evaluate each firm being considered and assign points accordingly.
 - 7.1.4 The recommendation of the selection committee shall be to the firm with highest total points.
 - 7.1.5 The selection committee has the responsibility to negotiate the most favorable cost, terms and conditions to the City of Reading. The negotiating process may involve one or more RFP responses, and may continue until the actual award of the contract.
 - 7.1.6 A meeting with the selection committee will be available for a firm who is dissatisfied after not being recommended for award of the contract.
- 7.2 The selection committee shall submit a written report on the process and its recommendation, to be reviewed with the Managing Director and the Director of Finance.

ADMINISTRATION AND GOVERNMENT

- 7.3 Prior to formal acceptance, the RFP and the proposal shall be submitted to the solicitor's staff for review.
- 7.4 The Managing Director and the selection committee will prepare a recommendation for the Mayor to present to City Council for final approval where such approval is required by the Charter or by the Administrative Code.
- 7.5 The Managing Director shall advise the purchasing manager to formally notify the successful firm.

8.0 RENEWAL OF PROFESSIONAL SERVICE CONTRACTS:

The City shall have the option to renew a professional services contract for one (1) year beyond the established contract period, based upon a continuation of the current contract price or the re-negotiation of a new price.

9.0 EFFECTIVE DATE

This regulation is effective on date of issue.

ADMINISTRATIVE REGULATION

PETTY CASH FUNDS

1.0 PURPOSE:

The purpose of this regulation is to establish policy for the use of petty cash funds and to establish procedure for replenishing these funds. This regulation shall not conflict with Section 135.07 of the Codified Ordinances of the City of Reading or any of its amendments.

2.0 APPLICABLE TO:

All departments of the City of Reading.

3.0 GENERAL POLICY:

3.1 Petty cash funds exist to permit departments to reimburse employees for incidental purchases. Petty cash is strictly for the purpose of reimbursing employees for cut-of-pocket business expenses. There will be no petty cash advances.

3.2 Petty cash funds shall not be used to pay invoices. All invoices shall be paid through the accounts payable system.

3.3 A single petty cash purchase shall not exceed fifty (\$50) dollars. At no time shall expenditures be fragmented to stay within the fifty (\$50) dollar limit.

Department directors approving petty cash expenditures shall keep in mind that the City may pay higher prices by purchasing items through a number of small petty cash expenditures, rather than through a single bulk purchase via purchasing.

3.4 Items such as office supplies that are available from the purchasing office shall not at any time be purchased with petty cash funds.

Petty cash shall not be used as a substitute to the Emergency Purchase Procedure.

3.5 All petty cash vouchers must have valid vendor receipts attached for the exact amount to be reimbursed. For mileage reimbursement, the travel expense report form must be used. department directors shall not approve petty cash vouchers without proper receipts and shall inform employees that reimbursement will not occur if the proper procedure is not followed. Employees should be aware that the City is exempt from Pennsylvania sales tax, and that such tax should not be paid.

ADMINISTRATION AND GOVERNMENT

- 3.6 A brief statement justifying the petty cash expenditure shall be included on the petty cash voucher or petty cash ledger form. Petty cash expenditures shall be charged to the correct budget account number.

4.0 PETTY CASH FUNDS:

The Director of Finance shall authorize the location and amount of petty cash funds. The following offices maintain petty cash funds for the personnel in their offices:

- * Treasurer's office for all City Hall departments and divisions unless listed below:
- * Highways
- * Municipal Garage
- * Parks & Public Property
- * Police
- * Sewage Treatment
- * Water Storeyard

5.0 RESPONSIBILITY FOR PETTY CASH FUNDS:

A specific employee, designated as custodian, shall be assigned to each petty cash fund. The custodian is responsible for the accurate accounting and control of the Department's fund, including following the procedure to replenish the petty cash funds.

The City Auditor shall be responsible for the periodic review of petty cash purchases and, when appropriate, make recommendations to department directors as to what purchases could be directed through the purchasing office.

6.0 PETTY CASH FUND PROCEDURES:

- 6.1 Reimbursement of Employee. The employee shall make a petty cash purchase with his/her own money. The employee shall be reimbursed the same day or the following work day by following the proper petty cash procedure:
1. The employee shall first obtain permission from her/his immediate supervisor to purchase the required items or services. Any questionable petty cash expenditures shall be cleared with the department director before making the purchase.
 2. The employee shall purchase the items or services from a vendor at a reasonable price. The purchasing office may assist in selecting a vendor.

3. For those offices that maintain a petty cash fund, the employee shall submit his/her receipt, which has been signed by the immediate supervisor to the custodian for reimbursement from the petty cash fund.
4. For those offices that do not maintain a petty cash fund, the signed receipt shall be presented to the City Auditor's office where a petty cash voucher will be prepared in duplicate and the proper code assigned.

The Auditor's office shall retain the duplicate copy of the voucher for audit purposes. The employee shall submit the original with the attached receipt to the City Treasurer for reimbursement.

The employee signature on the voucher acknowledges only receipt of the money, not responsibility for the purchase.

5. The employee shall submit the original with the necessary receipt attached to the custodian for reimbursement.

6.2 Replenishing the Petty Cash Fund Other than City Treasurer. The custodian of the petty cash fund, shall replenish the fund as needed through the Accounts Payable system.

1. The custodian shall check the Y-T-D Detail Statement of Accounts report to verify that the account being charged for the petty cash funds has a sufficient balance.
2. The custodian shall complete an Authorization to Reimburse Petty Cash Fund form.
3. The custodian shall confirm accuracy of information, verify that there are sufficient funds in account, and submit to Accounts payable for processing.
4. City accountant shall confirm accuracy of information, verify that there are sufficient funds in account, and submit to Accounts Payable for processing.

Accounting shall retain and file the original copy of the reimbursement form, the petty cash voucher and receipts.

5. Accounts payable shall process the forms and generate a check payable to the office as a reimbursement to the respective petty cash fund, treating the reimbursement as a payment to a vendor.

ADMINISTRATION AND GOVERNMENT

7.3 Replenishing the City Treasurer Petty Cash Fund. The City Treasurer shall replenish the fund on a monthly basis through the Accounts Payable system.

1. On a monthly basis, the City Treasurer shall segregate all petty cash vouchers by fund and submit to the city accountant for reimbursement.
2. The accounting office shall confirm the accuracy of the information, breakdown the expenditures by line item, verify that sufficient funds are in the accounts, and submit the vouchers and an Accounts Payable Approval form to Accounts Payable for processing.
3. Accounts shall generate a check payable to the City Treasurer as reimbursement.

8.0 EFFECTIVE DATE:

This regulation is effective on the date of issue.

I. Boards and Commissions.

§1-199.01. Membership.

1. The establishment of boards and commissions/councils shall be as provided in the Charter in §1001⁶¹, "Establishment," with the exception of the Board of Ethics established in Charter §1201(3)⁶², "Board of Ethics."

⁶¹Editor's Note: §1001 of the Charter provides:

§1001. Establishment.

1. **By Ordinance.**
 - A. City Council shall encourage the participation of citizens in their government through the establishment of boards, and commissions to carry out city business. Such boards, and commissions shall be established by ordinance including a clear statement of whether they shall be advisory in nature or they shall have power and authority under City ordinance or State or Federal code.
 - B. City Council may not change the powers or authority of any board or commission except by ordinance.
 - C. City Council may by ordinance abolish any board or commission not established by State or Federal mandate or by this Charter.

⁶²Editor's Note: §1201(3) of the Charter provides:

3. **Board of Ethics.** The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five City residents holding terms of 3 years, to administer and enforce the conflict of interest provision this Section of this Charter and the prohibition sections of this Charter. No member of the Board may hold elective or City office under the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

ADMINISTRATION AND GOVERNMENT

2. Membership on boards and commissions shall be as provided in the Charter §1002⁶³, "Membership," with the exception of the Board of Ethics, whose membership is appointed according to §1201(3)⁶⁴, "Board of Ethics."
3. A member of any board or commission may be removed by the appointing authority for cause.
4. The members of any board or commission shall serve without compensation except as otherwise provided by law, the Charter or ordinance. Members may be reimbursed for reasonable expenses incurred in the performance of their duties.
5. The terms of no more than a simple majority of the membership shall expire during the same calendar year.

(Ord. 17-1996, 6/24/1996, §9.01)

§1-199.02. Organization.

⁶³Editor's Note: §1002 of the Charter provides:

§1002. Membership.

1. **Appointments.** City Council shall approve all appointments for each board and commission. Broad citizen participation shall be encouraged in recruiting appointees and making appointments. No appointee of any board or commission shall hold any other elected public office or any compensated position for the City.
2. **Vacancies.** Any vacancy caused by death or resignation shall be filled promptly pursuant to the procedure set forth in §309(B). The person so appointed shall serve for the unexpired term of the person vacating such position.
3. **Qualifications.** As a general rule, members of boards and commissions shall be residents of the City. At the discretion of Council, persons not residents of the City, but who have a significant property or business interest in the City, may be selected to serve. No person may concurrently serve on more than one authority, board or commission.

⁶⁴Editor's Note: §1201(3) of the Charter provides:

3. **Board of Ethics.** The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five City residents holding terms of 3 years, to administer and enforce the conflict of interest provision this Section of this Charter and the prohibition sections of this Charter. No member of the Board may hold elective or City office under the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

1. Each board or commission shall provide for rules and regulations governing its operation. Such rules and regulations shall provide for the keeping of records pertaining to its duties, the conduct of meetings and public hearings and a periodic reporting to the residents of the City, the Mayor and Council. All such rules and regulations shall be approved by Mayor and Council.
2. The managing director shall assign an appropriate unit of the administrative service for the staff liaison to each board or commission.

(Ord. 17-1996, 6/24/1996, §9.02)

§1-199.03. Boards and Commissions/Councils.

1. **Board of Ethics; Function.** The Charter, §1201(3)⁶⁵ establishes this Board, its membership and its function. All complaints submitted to this Board must be in writing and notarized. See §1-199.12 of this Administrative Code for the Code of Ethics.
2. **Board of Health; Function.** This Board reviews and decides upon requests from the property maintenance inspection and building inspectors to demolish unsafe structures.
3. **Board of Appeals Fire Codes; Function.** To hear and decide appeals as a result of the determination of the Fire Marshal on fire codes. Membership of this Board is determined by the BOCA National Fire Prevention Code/1990 [Chapter 5, Part 3].
4. **Electrical Examining Board; Function.** To determine the fitness of applicants for licenses and to investigate and report on all proposed suspensions or revocations of licenses, and to administer tests and investigate complaints against license holders.
5. **Plumbing Board, Examiners/Standards; Function.** To determine the fitness of applicants for licenses and to investigate and report on all proposed suspensions or

⁶⁵Editor's Note: §1201(3) of the Charter provides:

§1201. Conflict of Interest and Code of Ethics.

3. **Board of Ethics.** The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five City residents holding terms of 3 years, to administer and enforce the conflict of interest provision this Section of this Charter and the prohibition sections of this Charter. No member of the Board may hold elective or City office under the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

ADMINISTRATION AND GOVERNMENT

revocations of licenses, and to administer tests and investigate complaints against license holders.

6. **Zoning Hearing Board; Function.** To hear and decide appeals from determinations of Zoning Administrator on variances, special use permits and all other matters placed under its review.
7. **Police Civil Service Board; Function.** To test for and compile initial hiring and promotion lists for the Police Department.
8. **Fire Civil Service Board; Function.** To test for and compile initial hiring and promotion lists for the Fire Department.
9. **Board of Historical Architectural Review; Function.** To exercise the functions, duties, responsibilities, and activities set forth in the City Historic District Ordinance [Chapter 4, Part 1].
10. **Firemen's Pension Fund; Function.** To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provisions of the law.
11. **Officers and Employees Retirement Board; Function.** To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provisions of the law.
12. **Police Pension Fund Association Board; Function.** To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provision of the law.
13. **Board of Trustees of the Reading Public Library; Function.** To serve all residents of the City of Reading and the County of Berks by providing high demand library materials (fiction and nonfiction) in a variety of formats needed resources for life-long learning and the needs of elementary and high school students, current information, and a strong support for culture and local history.
14. **Reading-Berks Human Relations Council; Function.** To lessen and where possible end discrimination in Berks County through investigation, reconciliation and referral.
15. **Commission on Human Relations; Function.** To prohibit discrimination in housing, employment, and public accommodations in accordance with the terms of the City's Human Relations Ordinance [Part 5C].
16. **Park and Recreation Advisory Council; Function.** To suggest new ideas and methods and to help with grant applications.

17. **Penn Square Commission; Function.** To maintain and supervise the use of Penn Square, Market Square, Cedar Street Park, and the Courtyard I and II.
18. **Municipal Memorial Stadium Commission; Function.** To promote the City and baseball and to be a liaison between the Reading Phillies and the City and to meet with other organizations who are interested in renting the stadium for charitable or profitable events.
19. **Shade Tree Commission; Function.** The regulation, maintenance and promotion of shade trees in the City.
20. **Planning Commission; Function.** To exercise the functions, duties, responsibilities, and administrative activities and powers as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 208 of 1990 and Act 131 of 1992), 53 P.S. §10101 *et seq.*
21. **Vacant Property Review Committee; Function.** [Reserved.]

(Ord. 17-1996, 6/24/1996, §9.03)

§1-199.04. Authorities.

Authorities are established according to the Municipality Authority Act of 1945, 53 P.S. §301 *et seq.*, or similar legislation.

- A. **Reading Regional Airport Authority; Function.** Planning, maintaining and operating Reading Regional Airport.
- B. **Reading Parking Authority; Function.** To build, manage, supply and supervise parking facilities within the and maintain these facilities as clean, safe, convenient, accessible, and reasonably priced.
- C. **Reading Housing Authority; Function.** To provide decent, safe and sanitary housing.
- D. **Reading Redevelopment Authority; Function.** To promote elimination of blighted areas by declaring acquisition, sound replanning and redevelopment of such areas for the promotion of health, safety, convenience and welfare.
- E. **Reading Water Authority; Function.** Acquire, hold, construct, improve, maintain, operate, own and lease, either in the capacity of lessor or lessee, water mains, water systems or parts thereof and water treatment works.
- F. **Berks Area Reading Transportation Authority (BARTA); Function.** [Reserved.]

ADMINISTRATION AND GOVERNMENT

- G. **Reading Downtown Improvement District.** It is the intent of the Council of the City of Reading to organize a downtown business improvement district authority pursuant to the provisions of the Municipality Authorities Act of 1945, P.L. 382, as amended (the "Act"). The authority shall be created for the purpose of making business improvements and providing administrative services, as these terms are defined in the Act, to the central business district of the City of Reading.

(*Ord. 17-1996*, 6/24/1996, §§9.04, 9.05; as amended by *Ord. 14-2001*, 5/29/2001)

J. Code of Ethics.

§1-199.11. Declaration of Policy.

1. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.
2. Each official or employee of the City must be constantly on guard against conflicts of interest. No official or employee should be involved in any activity which might be seen as conflicting with his/her responsibilities to the City. The people of Reading have a right to expect that their representatives act with independence and fairness towards all groups and not favor a few individuals or themselves.
3. The following principles, although not representing substantive rights, are fundamental driving forces for officials and employees of the City of Reading in everything they do.¹
 - A. **Public Office as a Public Trust.** Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
 - B. **Independent Objective Judgment.** Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.
 - C. **Accountability.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
 - D. **Democratic Leadership.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
 - E. **Respectability and Fitness for Public Office.** Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official. In recognition of these aforementioned goals and principles, there is hereby established a Code of Ethics to be administered by the Board of Ethics. The purpose of this Code is to establish

¹ Josephson Institute for the Advancement of Ethics, *Preserving the Public Trust*, 1990.

ethical standards of conduct for all officials and employees of the City of Reading, its agencies and authorities, whether elected or appointed, paid or unpaid, by providing guidelines to clarify actions or inactions which are incompatible with the best interests of the City and by directing disclosure of private, financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules, regulations, opinions and disciplinary decisions as may be promulgated by the Board pursuant hereto, and under provisions of Article XII of the Charter, are hereby declared to be in the best interest of the City.

(Ord. 34-2005, 5/9/2005, §1)

§1-199.12. Board of Ethics.

1. Reference is made to §1201(3) of the Charter of the City of Reading.

A. Composition and Structure of Board.

- (1) **Composition.** The Board established under §1201 of the City of Reading Home Rule Charter shall be composed of five residents of the City of Reading.
- (2) **Terms of Service.** Members of the Board shall serve for terms of 3 years, except that members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with one member serving a term of 1 year, two members serving for 2 years, and two members serving for 3 years.
- (3) **Vacancy.** An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.
- (4) **Election of Chairperson and Vice Chairperson.** The Board shall elect a chairperson and a vice chairperson annually at a meeting held in July of each year. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.
- (5) **Quorum.** A majority of the members of the Board shall constitute a quorum and, except as provided in §1-199.19.3 and .4, the votes of a majority of the members present are required for any action or recommendation of the Board.
- (6) **Staff.** The Board shall appoint a solicitor, a secretary and such other staff as may be deemed necessary. The solicitor, secretary and such other staff as maybe necessarily appointed need not be members of the Board.

- (7) **Meetings.** The Board shall meet at the call of the chairperson or at the call of a majority of its members.
 - (8) **Investigative Officer.** The Board shall appoint an investigating officer as set forth herein. The Board shall, from time to time, determine an amount to be paid as reasonable compensation to the investigating officer as payment for such services. The investigative officer shall be a member in good standing of the Berks County Bar and shall have so been for at least 5 years. The investigative officer need not be a resident of the City of Reading and shall not be a Board member. The investigating officer is authorized to retain the services of investigators and may only delegate non-discretionary functions.
- 2. **Powers and Duties.** The powers and the duties of the Board of Ethics may be summarized as follows:
 - A. Give advice as to the application of the ethics provisions of the Charter of the City of Reading and this Code of Ethics.
 - B. Receive and dispose of complaints of violations of the ethics provisions of the Charter and Code of Ethics, and exercise discretion in declining to pursue an investigation if such a course would be in the best interest of the citizens of the City of Reading or where the activity complained of amounts to no more than a de minimis violation.
 - C. Appoint an investigating officer to conduct investigations and to issue findings reports where appropriate.
 - D. Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders including, but not limited to, those related to adjudications and penalties.
 - E. Conduct educational programs to promote the ethical conduct of public officials, City employees, and individuals and groups doing business with the City.
 - F. Adopt rules and regulations to administer, implement, enforce and interpret the Code of Ethics.
 - G. Annually review the statements of financial interest filed pursuant to §1-199.14 of the Code.
- 3. **Prohibitions.** Due to their special position, Board members have a higher duty than other public officials to avoid conflicts of interest. Respect for the Code can be maintained only if members are models of ethical behavior. The prohibitions in this section are in addition

ADMINISTRATION AND GOVERNMENT

to the duties, responsibilities or obligations imposed upon the Board members as public officials under other provisions of the Code.

- A. No member may hold or campaign for any other public office.
 - B. No member may hold office in any political party or political organization or political committee.
 - C. No member may hold a position of employment or appointment with any municipal government or any board or commission formed by the City of Reading.
 - D. No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for or from the office of the Mayor, President of Council, Council Member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.
 - E. No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.
4. **Preservation.** Complaints and proceedings pending before the Board at the time this Code is adopted shall be preserved insofar as they are consistent with recent orders of the Court of Common Pleas of Berks County. The Board shall take any and all steps necessary to adjudicate all pending complaints so as to comply with said orders, including the establishment of a committee of Board members not previously involved in the disposition of said complaints to adjudicate and dispose of the same. Said committee shall consist of at least three Board members and shall act with the authority of the Board in adjudicating said complaints and instituting penalties and restitution where applicable.

(Ord. 34-2005, 5/9/2005, §2)

§1-199.13. Definitions.

For purposes of this Code, the following terms shall have the following definitions. All other words and phrases shall have their normal meaning unless further defined herein:

APPEARANCE OF IMPROPRIETY - the perception that wrong-doing or misconduct may have occurred. When a reasonable person could reasonably believe that improper actions have taken or are taking place.

BOARD - the Board of Ethics of the City of Reading.

CANDIDATE - any individual who seeks nomination or election to public office normally decided by vote of the electorate, whether such individual is elected by the electorate or is appointed.

CHARTER - City of Reading Home Rule Charter.

CODE - City of Reading Code of Ethics.

CONFLICT OF INTEREST - situation(s) or potential situation(s) in which a public official or employee uses or may use his/her office or employment for the private gain for himself/herself, a member of his/her immediate family or a business of any type with which he/she or a member of his/her immediate family has a material interest.

ELECTED OFFICIAL - an official elected or appointed to fill a position normally filled by election.

EMPLOYEE - any individual receiving salary or wages from the City of Reading.

IMMEDIATE FAMILY - a parent, spouse, living partner, child, brother or sister, natural or adopted.

MATERIAL INTEREST - direct or indirect ownership of more than 5% of the total assets or capital stock of any business entity.

OFFICER - investigating officer appointed by the Board to oversee the investigative procedures on behalf of the Board. The investigating officer need not be a Board member and may be compensated as any other member of the staff.

OFFICIAL - any elected or appointed paid or unpaid member of the government of the City of Reading.

POLITICAL ACTIVITY - any activity which promotes the candidacy of any individual seeking elective office, or the advocacy of any political party or position including, but not limited to, the circulation of election petitions and the sale or distribution of fund raising items or tickets.

PRIVATE GAIN - of personal benefit, whether economic, social, or otherwise.

VIOLATION - a violation is any activity that is restricted by the ethics provisions of the Charter and/or the Code.

(Ord. 34-2005, 5/9/2005, §3)

§1-199.14. Statement of Financial Interests.

ADMINISTRATION AND GOVERNMENT

Any official or employee of the City or authorities or boards with decision-making authority shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year by May 1 of each year, as defined by the State Code of Ethics. Any individual appointed to such a position after May 1 has 15 working days to file the Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

(Ord. 34-2005, 5/9/2005, §4)

§1-199.15. Disclosure of Confidential Information.

1. City employees and officials often have access to important non-public information regarding the property, operations, policies or affairs of the City. Such information may concern, among other things, employees and officials, real estate transactions, expansion of public facilities, or other City projects. Using or furnishing information that would place employees or recipients in an advantageous position over the general public constitutes a violation of public trust. Anyone who is privy to confidential information may not disclose that information to any private citizen and should disclose it to other public employees only if appropriate and in the normal course of their duties as employees or officials of the City of Reading.
2. Should an official or employee find himself/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this Section shall render the contract voidable by the decision-making body or upon review and authority of the Board of Ethics.

(Ord. 34-2005, 5/9/2005, §5)

§1-199.16. Prohibited Behaviors.

1. Conflicts of Interest

- A. Employees and officials of the City may not bid on or have a material interest in:
 - (1) The furnishing of any materials, supplies or services to be used in the work of the City.
 - (2) Contracts for the construction of any City facility.
 - (3) The sale of any property to the City or the purchase of any property from the City unless said property is offered to the general public at auction or by competitive bid.

- B. Employees and officials of the City may not:
- (1) Use or attempt to use their official position to secure special privileges or exemptions for themselves or others.
 - (2) Accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of their official position.
 - (3) Disclose to others, or use for personal benefit, any confidential information gained by reason of an official position.
 - (4) Accept other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty.
 - (5) Receive any compensation for official services to the City from any source other than the City.
 - (6) Transact any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a material interest.
 - (7) Have personal investments in any enterprise which will create a substantial conflict between any private interest and the public interest.
- C. **Outside Employment.** City officials or employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or non-profit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.
- D. Officials and employees shall not engage in conduct prohibited under §1201 (a) of the Charter.

2. **Solicitation/Acceptance of Gifts; Rebuttable Presumption.**

- A. No official or employee shall accept gifts and other things of value in return for a favorable decision or vote (City Charter, §1201 (a)). In all but de minimis cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift. Under no circumstance shall officials or employees solicit gifts of any kind. A gift having a value in excess of \$25 may not be considered de minimis.

ADMINISTRATION AND GOVERNMENT

- B. The term gift for the purposes of this Code means any gratuity, benefit, or any other thing of value which is accepted by, paid for, or given to a City employee, elected or appointed officials or by another on their behalf either directly or indirectly without consideration of equal or greater value. The term gift may include, byway of illustration and without limitation to, the following:
- (1) Preferential rate or terms on a debt, loan, goods, or services which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
 - (2) Transportation, lodging, or parking.
 - (3) Food or beverage, other than that consumed at a single sitting or event.
 - (4) Membership dues.
- C. City employees or officials shall not solicit or accept gifts, either directly or indirectly, from any person or entity doing business with or under regulation by the City or from the agent or lobbyist of such person or entity except on behalf of the City. The solicitation or acceptance of gifts shall create a rebuttable presumption that the employee knew or should have known that such solicitation or acceptance was based on an understanding that his/her official actions or judgments would thereby be influenced.
3. **Nepotism.** Hiring a relative is a special type of a conflict of interest that should be avoided. No public official or employee shall appoint, hire, advance or advocate the appointing, hiring or advancing of a member of his/her immediate family or household member to a City position, as provided in the City of Reading Personnel Code [Chapter 1, Part 2].
4. **Whistle Blowing.** Employees are expected to expose a violation of the Code of Ethics by any employee or business entity with which the City is doing business if such a violation creates a serious and specific danger to the public's health, safety or welfare.

Employees are expected to expose improper use of public office or any other abuse or neglect on the part of a City employee or public official. An employee with knowledge of actions or activities of ethical concern shall report them to the Board of Ethics. The identity of the employee will be confidential information of the Board of Ethics until a full investigation is initiated.

Retaliation against an employee who reports any violation, abuse or other improper action is strictly prohibited. Any such action will be a violation of the Code of Ethics and subject to the disciplinary and corrective action as ordered by the Board of Ethics.

5. **Use of City Property and Personnel.** No personnel, equipment, supplies, facilities, vehicles, or any other property of the City maybe used by employees or officials for private use. It is improper and maybe unlawful for supervisors to use subordinates for their personal benefit. Reference is made to the City of Reading Personnel Code [Chapter 1, Part 2].
6. **Political Activities.** Reference is hereby made to §§605(a) and 707 of the Charter and to §1-208 of the City of Reading Personnel Code. Said provisions are incorporated herein by reference and made a part hereof. The Board shall have jurisdiction over any matter where the executive branch of the government or City Council of the City of Reading has failed to take appropriate action in enforcing these provisions.

(Ord. 34-2005, 5/9/2005, §6)

§1-199.17. Penalties; Restitution.

1. **Penalties.** Upon any violation of the City provisions, including the undertaking of wrongful acts as described above or in the City of Reading Home Rule Charter, any of the following penalties shall be available to the Ethics Board for imposition:
 - A. **Admonition.** In compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the City provisions.
 - B. **Public Censure.** In compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the City provisions took place and that the Board strongly disapproves of the actions of the public official or public employee.
 - C. **Recommendation to the Managing Director of Suspension,** without compensation for a stated period of time not to exceed 30 days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant. If any such suspension is not imposed by the City, a written explanation of such decision shall be provided within 5 days to the Board.
 - D. **Recommendation to the Managing Director of Termination** in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification going to the respondent, the Managing Director, the Mayor, the Director of the Department in which is respondent is employed, if any, and the

ADMINISTRATION AND GOVERNMENT

complainant, if any. If any such termination is not imposed by the City, a written explanation of such decision shall be provided within 5 days to the Board.

- E. **Referral** to the appropriate authorities for criminal prosecution in cases where a violation of this Part is also a violation of Federal or State law.
 - F. **Ineligibility** for holding any office or position within the City for a period of up to 5 years, as set forth in §1202 (b) of the Charter of the City of Reading.
 - G. **Impose a fine**, not to exceed \$1,000 per violation.
 - H. **Imposition of an administrative fine** of not more than \$1,000 to defray the actual cost and expense of investigating any violation.
 - I. Any person who realizes financial gain by way of a violation of any provisions of this Part, in addition to any other penalty provided by law or this Part, shall pay into the Treasury of the City a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized.
 - J. Any public official, public employee, person, corporation, company or other entity found to have participated in or benefitted from a violation of this Part, may be barred from participating in business dealings with the City for a period of time not to exceed 5 years, said period of time to be determined by the Board, in addition to being subject to any other penalty (prescribed by this Part) deemed appropriate by the Board.
2. **Restitution; Other Penalties and Remedies.** After finding that an individual has violated any provision of the Charter or this Code within the jurisdiction of the Board as provided for in this Code, the Board may take one or more of the following actions, if appropriate, in addition to penalties described in subsection .1:
- A. Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Code or Charter.
 - B. Order the subject to cease and desist from engaging in a particular activity that is in violation of the Code, Charter, or any order issued by the Board.
 - C. Order the subject to take specified action to bring him/her into compliance with Board directives.
 - D. Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction of the matters.

- E. Institute appropriate civil or equitable action to enforce the order and decision of the Board.
- F. Recommend to City Council the forfeiture of the office or position held by the subject with the City and recommend that the subject be ineligible to hold any City office or position for a period of up to 5 years following such decision.

(Ord. 34-2005, 5/9/2005, §7)

§1-199.18. Advisory Opinions.

1. Upon the written request of any public official or City employee, or without such request should a majority of the Board deem it in the public interest, the Board of Ethics may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and the application of ethical standards set forth in this Part, and shall issue an advisory opinion in writing as to any such question. The Board may in its discretion publish its advisory opinions with any redactions necessary to prevent disclosure of the identity of the person who is the subject of the opinion.
2. An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

(Ord. 34-2005, 5/9/2005, §8)

§1-199.19. Complaint and Investigation Procedure.

1. **Who May File.** Any person may file a complaint about alleged ethics violations of the Reading Code of Ethics or the City Charter. In addition, the Board may initiate proceedings. A person signing a complaint shall:
 - A. Reasonably believe in the existence of facts upon which the claim is based.
 - B. Reasonably believe that the complaint may be valid under the ethics provisions of the Code of Ethics and the City Charter.
2. **How to File.** Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities. The Board shall establish a separate P.O. Box through which to receive complaints. This P.O. Box shall be generally

accessible by the investigative officer and/or the secretary, provided that the secretary is not a Board member.

3. **Jurisdiction; Preliminary Investigation.**

- A. Each complaint filed with the Board shall be immediately directed to and preliminarily reviewed by an investigating officer appointed by the Board (the "Officer") to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determinations shall be made within 30 days of the filing of the complaint. If the Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.
- B. The preliminary investigation shall be initiated and accomplished at the sole direction of the Officer. If the Officer, in his/her sole discretion, finds that the violation(s), as alleged in the complaint, would, if proved, constitute a de minimis infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint, if to do so would be in the best interest of the citizens of the City of Reading.
- C. At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same, and the initiation of a preliminary investigation.
- D. The preliminary investigation shall be completed within 60 days of the Officer's finding of jurisdiction.
- E. If at any time during the preliminary investigation, an extension is necessary and justified, the Officer shall have additional time in 30-day segments. The Officer shall timely notify both the complainant and the subject of the investigation of each such extension.
- F. At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal of the complaint. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

4. **Full Investigation.** If a preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within 3 days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the

investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every 90 days. Within 180 days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report to the subject.

5. **Findings Report.** The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation. The subject of the investigation may, within 30 days of the report, request an evidentiary hearing, unless an extension is obtained from the Officer. When such a request is received by the Officer, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Board shall upon receipt of such notice engage two attorneys: one to represent the facts in support of the complaint; and one to advise the Board in matters related to the evidentiary hearing. The Board solicitor shall not have any involvement in a particular matter once the findings report has been issued.
6. **Evidentiary Hearing.**
 - A. **Timing.** An evidentiary hearing must be held within 45 days of the filing of a request for the same.
 - B. **Evidence.** The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument and shall be entitled to exercise all rights of confrontation and the like afforded him/her by the United States Constitution and the Pennsylvania Constitution.
 - C. **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing in writing to the Board at least 5 days before the hearing.
7. **Decision by the Board; Final Order.**
 - A. At the conclusion of the evidentiary hearing, the Board will determine by majority vote of those members presiding whether the evidence supports a finding that the subject of the complaint violated provision(s) of either the Charter or the Code.
 - B. Upon reaching a determination on the complaint, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint.
8. **Petition for Reconsideration.** A subject, having been found to have violated a provision of the Charter or Code, may file a petition for reconsideration of the Board's decision. Such petition shall be filed with the Board within 10 days of the day the Board issues its final order.

9. **Protection of Complainant.** No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or providing information or testifying in any Board proceeding.

(Ord. 34-2005, 5/9/2005, §9)

§1-199.20. Confidentiality of Board Information.

All Board proceedings and records relating to an investigation are confidential until a final determination is made by the Board, except as may be required to effect due process. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other file material shall remain confidential.

(Ord. 34-2005, 5/9/2005, §10)

§1-199.21. Wrongful Use of Board of Ethics.

The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on fact. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the Code is prohibited and those individuals engaged in such conduct may be subject to penalties as set forth in §1-199.17.

Wrongful use of the Code of Ethics is defined as either:

- A. Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this Code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this Code or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.
- B. Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

(Ord. 34-2005, 5/9/2005, §11)

PART 2⁷¹

PERSONNEL CODE

A. General Provisions.

§1-201. Conflict.

In the event any provisions of the Personnel Code shall be inconsistent with or conflict with any provision of the Charter the provision of the Charter shall take precedence over this Personnel Code.

(*Ord. 18-1996, 6/24/1996, §1.01*)

§1-202. Director of the Department of Human Resources.

The Director of the Department of Human Resources responsibilities are specified in the Administrative Code. In addition, he/she is responsible for the administration and interpretation of this Personnel Code.

(*Ord. 18-1996, 6/24/1996, §1.02*)

§1-203. Coverage and Exclusion.

1. Collective bargaining agreements and civil service regulations take precedence.
2. All nonuniformed employees shall be governed by this Personnel Code contained herein unless exempted by the Charter or noted herein.
3. Section 702(A) and (B)⁷² of the Charter stipulate career and exempt service.

⁷¹Employee Provisions - see Third Class City Code, §901 *et seq.*, 53 P.S. §35901 *et seq.*
Power to Hire Employees - see Third Class City Code, §2403(2), 53 P.S. §37403(2).

⁷²Editor's Note: §§701(A) and (B) of the Charter provides:

§702. Personnel System and Personnel Code.

Each elected official, officer and employee of the City shall be a member of either the career or exempt service.

- A. The exempt service shall consist of:
- (1) All elected officials.
 - (2) The Managing Director and the City Solicitor.

ADMINISTRATION AND GOVERNMENT

(Ord. 18-1996, 6/24/1996, §1.03)

§1-204. Equal Employment Opportunity.

1. The City of Reading is firmly committed to ensuring equal employment opportunity for all persons regardless of race, color, creed, ancestry, age, gender, sexual orientation, political opinions or religious affiliations, or lawful activity in any employee organization, national origin or disability.
2. The commitment to equal employment opportunity shall prevail in all employment practices including recruiting, interviewing, hiring, promoting, and training. All matters affecting pay, benefits, transfer, furloughs, education, tuition assistance and social and recreational programs shall be administered consistent [with] these principals, as well as with the Affirmative Action Plan, and with the spirit and intent of state and Federal laws governing equal opportunity.
3. Any person believing that he/she is the subject of discrimination and/or harassment may file a written complaint with the Director of Human Resources or his/her designee, who shall immediately investigate the allegation(s) and determine the validity of the complaint and take the appropriate measures, if any, required to resolve the matter.

(Ord. 18-1996, 6/24/1996, §1.04)

§1-205. Nepotism.

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- (3) The heads of departments, offices, and agencies immediately under the direction and supervision of the Managing Director.
 - (4) One clerk or secretary for each of the full-time elected City officials and the heads of each City Department.
 - (5) The City Clerk.
 - (6) The members of authorities, boards, and commissions.
 - (7) Temporary, part-time, or seasonal employees.
- B. All other officers and employees shall be members of the career service.

No public official or public employee shall appoint, hire, advance or advocate the same of a member of his/her direct family to a City position. No public official or public employee's direct family member shall be appointed, hired or advanced to a position under the direct supervision or control of the official or employee. Direct family is defined as spouse, parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother, brother-in-law, grandparents and grandchildren or any step-relatives in any of the foregoing categories. Relatives working within the same City department prior to July 1, 1997, shall not be affected by this policy. In the event that a relationship listed is created between employees within the same department, one of the said employees within 90 calendar days move to a position outside of said department. Failure of such action will result in termination of one of the employees based upon City policy and seniority. This policy shall not restrict the bidding rights as contained in any of the City's collective bargaining agreements.

(*Ord. 18-1996*, 6/24/1996, §1.05; as amended by *Ord. 19-1997*, 8/25/1997)

§1-206. Conflict of Interest.

1. No employee shall engage in any business or transactions or shall have a financial or other personal benefitting interest which is compatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her duties.
2. Examples of conflicts are enumerated below for guidance however, employees are referred to the City of Reading's Code of Ethics for further verification.
3. Accepting or soliciting gifts and favors, use of privilege information for personal or financial gain, any use of official position for personal or financial gain, participation in transactions as a City representative with a business entity in which he/she has a direct or indirect financial or other personal interest and use of City property for personal benefit.
4. **Outside Employment.** City employees may accept, have or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or nonprofit), utility or other organizations, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.
5. **Use of City Equipment.** No personnel, equipment, supplies, facilities, vehicles or any other property of the City may be used by employees or officials for private use. It is improper and may be unlawful for supervisors to use subordinates for personal benefit. The use of the City's communication system including telephone and computer for personal benefit or the transmission, display or reception of inappropriate material is a violation of this policy and subject to disciplinary action.

ADMINISTRATION AND GOVERNMENT

(*Ord. 18-1996*, 6/24/1996, §1.06; as amended by *Ord. 19-1997*, 8/25/1997)

§1-207. Residency.

Section 706⁷³ of the Charter stipulates the residency requirement for department directors. Section 401⁷⁴ of the Charter stipulates residency requirement of the Managing Director. All employees hired by the City of Reading following the effective date of this Personnel Code, shall become residents of the City within 1 year of date of hire and shall remain so during their period of employment with the City.

⁷³Editor's Note: §706 of the Charter provides:

§706. Compensation of Heads of Departments, Offices and Agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

⁷⁴Editor's Note: §401 of the Charter provides:

§401. Appointment; Qualifications; Compensation.

1. Within 90 days of taking office, the Mayor, with the approval of City Council, shall appoint a Managing Director for an indefinite term, subject to at least a biennial review, and fix the Managing Director's compensation. The Managing Director need not be a resident of the City at the time of appointment, but after appointment shall reside in the City. The Managing Director shall establish such City residency within 12 months of being appointed.
2. Any candidate for Managing Director shall:
 - A. Have a master's degree in public administration, business administration, or its equivalent, and have at least 3 years experience at an executive or administrative level.
 - B. Have a bachelors degree in public administration, or its equivalent, and have at least 5 years of experience at an executive or administrative level.
3. City Council may, by ordinance, establish additional qualifications for the position of Managing Director, prior to advertisement for the hiring of the Managing Director.
4. In the event that the position of Managing Director cannot be filled by the Mayor, the Mayor may appoint a temporary Managing Director for a period of time not to exceed 90 days. During this period of time, the Mayor shall continue to use all available means to fill the position.
5. In the event the Mayor has not filled the position of Managing Director within 180 days of taking office, City Council shall, within 90 days thereafter, hire a Managing Director. Any person hired by City Council shall hold the qualifications for said position prescribed by this Charter. The Mayor shall not have the power of veto over any candidate hired by City Council in accordance with the provisions of this Charter.

(Ord. 18-1996, 6/24/1996, §1.07)

§1-208. Political Activity.

*Section 707. Political Activity.*⁷⁵

All employees are prohibited from engaging in any form of political activity during regular work hours and are prohibited from using city facilities or property for any political activity. Violation of this section will warrant discharge or other discipline under the provisions of the Personnel Code. See Charter Section 707.

(Ord. 18-1996, 6/24/1996, §1.08)

§1-209. Hostile Work Environment.

1. All employees have the right to work in an environment free from discrimination and any form of harassment based on race, religion, color, sex, age, marital status, national origin or disability.
2. To ensure that no employee feels that they are subject to harassment, the City also prohibits any offensive physical written or spoken conduct regarding any of these subjects. Such conduct may constitute harassment when engaged in by someone in the City in a position to influence employment decisions or other employees. A continued action by an employee or supervisor towards another employee of harassment may result in the creation of a hostile working environment.
3. Ethnic slurs, derogatory remarks about older individuals and sexual innuendos can interfere with an employee's work performance by creating a hostile and offensive working environment. These actions of discriminatory intimidation, ridicule and insult alter the conditions of employment. The examples of such behavior can also include racial slurs, ethnic jokes, English-only rules, lewd photographs and disparaging remarks aimed at a protected group.
4. An important value of this Administration is to treat all employees with respect and dignity on a consistent basis. It is the responsibility of the management/supervisory team to ensure a safe, productive and positive work place exists. The City will not in any way condone or tolerate conditions of harassment or the creation of a hostile working environment for any employee.

(Ord. 18-1996, 6/24/1996, §1.09; as amended by Ord. 27-1996, 9/9/1996, §1)

⁷⁵Editor's Note: The provisions of the Charter are set forth in italics.

§1-210. Charter Effect on Employees.

See §1307 of the Charter.⁷⁶

(Ord. 18-1996, 6/24/1996, §1.10)

§1-211. Drug Free Workplace.

The City hereby establishes and reiterates the policies contained in the Drug Free Workplace Act and the implementation thereof through an employee assistance provider in order to inform employees about the danger of drug abuse in the workplace and the City policy of maintaining a drug free workplace.

(Ord. 18-1996, 6/24/1996, §1.11)

§1-212. Smoking Policy.

In compliance with the Clean Indoor Air Act (§10.1 as amended February 25, 1992 of the Fire and Panic Act, Act of 1927, P.L. 465, No. 299), 53 P.S. §1230.1 *et seq.*, the City has established that all buildings are to be smoke free. Certain areas outside buildings may be designated as smoking and non-smoking areas for City employees. Such areas will be posted accordingly. All employees are required to comply with the requirements of the posted designation.

⁷⁶Editor's Note: §1307 of the Charter provides:

§1307. Personnel.

§1307. Personnel.

1. **Charter Effect on Employees.** Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of individuals who are employees of the City on the effective date of this Charter as to salary, tenure, residency, retirement, or pension benefits; employments; leave with pay; or other personal rights. Nothing in this Charter shall diminish the rights and privileges of any former employees in their pension or retirement benefits.
2. **Exemption from Competitive Tests.** Any employee holding a position with the City at the time this Charter takes effect who is serving in the same or comparable position at the time of its adoption shall not be subject to competitive tests as a condition for continuance in the same position, but in all respects shall be subject to the personnel system provided for in this Charter.
3. **Personnel Action.** Until approval by City Council of the Personnel Code required by §703, the Mayor, in consultation with the Managing Director, shall have the power to establish by written directive a personnel system for all employees. All appointments and promotions, except additions to the exempt service, shall be made on the basis of merit and fitness. All personnel actions shall be in accordance with the provisions of a personnel system established by such written directive. Copies of all such directives shall be forwarded by the Mayor to City Council within 24 hours after being issued.

(Ord. 18-1996, 6/24/1996, §1.12)

§1-213. Training Programs.

1. The Director of Human Resources or his/her designee shall develop in consultation with other department directors a comprehensive internal training program that represents the City's training needs. The Department of Human Resources designee shall administer the internal training program.
2. The Department of Human Resources shall make a list of internal training opportunities available to all employees, including but not being limited to, supervisors, department directors and any other employees designed by the Mayor or the Managing Director. Department heads who want training for their employees should request such training from the Department of Human Resources, identify employees, schedule training time and provide written authorization for employees for such training. Supervisors should consult with their department directors who have the responsibility of notifying the Department of Human Resources. Employees should consult with their supervisors.

(Ord. 18-1996, 6/24/1996, §1.13)

§1-214. Physical Examination/Drug Testing.

1. All applicants who have been made an offer of employment by the City are required to submit to and pass a physical examination, including drug testing, by the City Health Officer. The purpose of this examination is to determine if the prospective employee is physically able to perform the job for which he or she is being considered and to ensure that the applicant's physical condition will not endanger the health, safety or well-being of existing employees.
2. Additionally, the medical examination will establish that the person is capable of performing the essential job functions with reasonable accommodation if necessary. This medical examination and drug testing will be given prior to the commencement of employment. Failure to submit or complete this medical examination and drug testing will be viewed as rejection of the offer of employment.

(Ord. 18-1996, 6/24/1996, §1.14)

B. Categories of Employment.

§1-221. Categories of Employment.

For the purpose of this Code, City employees shall be classified according to the following categories.

- A. **Full-time Employees.** Those employees who work a minimum of 35 hours weekly.
- B. **Part-time Employees.** Those employees who work a maximum of 28 hours weekly.
- C. **Temporary Employees.** Those employees who are hired to work for a specified period of time.
- D. **Seasonal Employees.** Those employees who are hired to work for a specified season.

(Ord. 18-1996, 6/24/1996, §2.01)

C. Appointment and Evaluations.

§1-231. Notification of Vacancy.

When there is determined to be a vacancy in any City position, the following shall apply:

- A. The Department Director will identify the position to be filled, and obtain the required budget clearances to hire.
- B. The Director of Human Resources or his/her designee, in consultation with the Department Director, will be responsible for the job description, date of anticipated hire, minimum qualifications and salary range.
- C. The affected Department Director and the Department of Human Resources or his/her designee shall discuss recruiting, screening and interviewing schedule.

(Ord. 18-1996, 6/24/1996, §3.01)

§1-232. Recruitment.

1. The Director of Human Resources or his/her designee, in consultation with the Department Director, shall prepare a position description and recruitment plan that includes internal and external advertisement plus alternative strategies should the advertisements fail to produce a viable candidate. Such position descriptions should include:
 - A. Position title and description (including duties and responsibilities)
 - B. Minimum qualifications.
 - C. Department location
 - D. City residency
 - E. Equal Opportunity/Affirmative Action Employer
 - F. Application deadline and where applications are directed
2. All positions will be posted internally at all work sites for 1 week prior to an external advertisement. The selection can be made at this time.
3. External position advertisements shall be through the local newspapers and any other acceptable and appropriate methods of advertising position openings such as the

ADMINISTRATION AND GOVERNMENT

notification of minority and women's organizations, regional and national advertising professional journals, in order to attract qualified diverse candidates.

4. Should subsections (2) and (3) above fail to produce a viable candidate, the Department of Human Resources or his/her designee, in consultation with the Department Director shall activate alternative recruitment methods.

(Ord. 18-1996, 6/24/1996, §3.02)

§1-233. Application for Employment.

1. All candidates shall complete and submit an application and/or other designated material, to be considered for employment.
2. All general applications for employment shall require the candidate to provide information about education, related experience, training, prior employment and references.
3. Applicant may be required to take a standardized test for a position.
4. All applications for employment, whether as a result of a search or as a result of a general application shall be directed to the Director of Human Resources or his/her designee.
5. The Department of Human Resources shall make general applications available for employment.
6. The Department of Human Resources shall maintain an active file of candidates for employment.

(Ord. 18-1996, 6/24/1996, §3.03)

§1-234. Screening.

1. Initial screening will be completed by the Director of Human Resources or his/her designee to verify that the candidate meets the minimum requirements.
2. The Director of Human Resources or his/her designee will check references and complete a background verification check. This background verification check will vary depending on the job description.
3. The Director of Human Resources or his/her designee will use accepted methods in personnel management and follow Federal and State regulations to check and verify the candidates application including a criminal check.

4. The Director of Human Resources or his/her designee will provide the Department Director with verification information.
5. The Director of Human Resources or his/her designee, in consultation with the Department Director will select the most qualified candidates for an interview.
6. All candidates not selected for an interview will be notified within seven (7) business days of that decision by the Director of Human Resources.

(Ord. 18-1996, 6/24/1996, §3.04)

§1-235. Selection.

1. The Director of Human Resources or his/her designee and Department Director will establish an interview schedule mutually convenient to the candidate, Director of Human Resources and the Department Director.
2. The Director of Human Resources and Department Director and/or their designees will interview candidates and make the selection. Selection will be based on qualifications, test results (if applicable), State and Federal regulations and the Affirmative Action Plan.
3. The Director of Human Resources or his/her designee will negotiate terms and conditions of employment.
4. The Director of Human Resources or his/her designee will make the position offer to the successful candidate.
5. All other candidates will be notified within 7 business days after the position has been filled.
6. Should the interviews produce no viable candidate, the Director of Human Resources or his/her designee and the Department Director should develop a new recruitment plan.

(Ord. 18-1996, 6/24/1996, §3.05)

§1-236. Orientation.

1. It shall be the responsibility of the Director of Human Resources or his/her designee to provide written and oral information to the new employee about benefits, policies and departmental procedures.

ADMINISTRATION AND GOVERNMENT

2. It shall be the responsibility of the Department Director or his/her designee to provide the new employee information about department operating procedures, duties and training.
3. Specific training for new employees shall be arranged by the Director of Human Resources or his/her designee and the Department Director.

(Ord. 18-1996, 6/24/1996, §3.06)

§1-237. Probation.

1. All new employees shall be placed on probation for 180 days. An employee on probation may be dismissed at the discretion of the Department Director or his/her designee. No employee on probation shall receive a salary/wage increase, promotion, or be eligible to use sick leave, a personal holiday or annual leave, although annual and sick leave is accumulated during the probational period.
2. All new employees on probation shall have a performance evaluation at the end of a 90 day period and at the end of a 150 day period and prior to 180 days such performance evaluation to be conducted by the immediate supervisor and the Department Director.
3. An unsatisfactory evaluation may be a basis for termination of an employee on probation. This is not to be construed that a probationary employee may not be dismissed prior to the first 90 day evaluation or any time during the probationary period as set forth herein. This evaluation becomes a part of the employee's personnel record.

(Ord. 18-1996, 6/24/1996, §3.07)

§1-238. Performance Evaluation.

All employees shall have an annual written performance evaluation conducted by the immediate supervisor and the Department Director. Said evaluation shall be reviewed with the Department of Human Resources prior to discussing the evaluation with the employee. The following procedure shall be used for performance evaluations:

- A. Evaluations shall be completed on forms provided by the Department of Human Resources.
- B. Evaluations shall be performed by the employee's immediate supervisor.
- C. Evaluations shall be based on an employee's job description.
- D. Evaluation criteria shall be based on:

- (1) Performance effectiveness.
- (2) Goals of the Department.
- E. The employee shall prepare a written self-assessment of his/her performance.
- F. The Supervisor and employee shall agree on others to be consulted for evaluation.
- G. The Supervisor and employee shall meet during working hours to conduct evaluation.
- H. The employee shall sign the evaluation verifying that he/she has reviewed the evaluation and had an opportunity to respond.
- J. The evaluation shall be signed by the Department Director and the Director of Human Resources or his/her designee.

(Ord. 18-1996, 6/24/1996, §3.08)

§1-239. Personnel Records.

- 1. A personnel file will be established for every employee and maintained in the custody of the Department of Human Resources. No information will be placed in the file without the employee's knowledge.
- 2. The following information will be a permanent part of the file and will be maintained following termination until the year following the year of the employee's 75th birthday:
 - A. Employee's most recent employment application.
 - B. Employee notifications regarding hiring, promotion, demotion, suspension, dismissal or other substantial change in employment or pay status other than general increases.
 - C. Authorizations for deductions from pay such as but not limited to insurance, retirement, taxes, union dues or other voluntary contributions. These are permanent so long as they are not canceled or superseded with a more recent authorization.
 - D. Letters of commendation or other awards or recognitions.
 - E. For employees hired after November 7, 1986, verification of the employee's citizenship or right to work in the United States (Immigration and Naturalization Service Form I-9).

ADMINISTRATION AND GOVERNMENT

- F. Most recent job description, performance standards and objectives.
 - G. Routine and emergency information as required such as phone numbers, home address, persons to contact, physical or medical limitations related to the job.
 - H. Job related training, qualification or license records.
 - I. Any other information with significant bearing on the employee's work behavior, qualifications or fitness for employment.
 - J. In addition, any information the employee considers to be important to their employment which is not offensive, prejudicial or discriminatory may be placed in the file at the employee's request.
 - K. Record of exit interview.
 - L. Records of pre-employment reference checks.
3. The following information will be a permanent part of the file, however, will not be referred to after 2 years old so long as no discipline for similar offenses has occurred since their issuance.
- A. Letters of warning or reprimand, or confirmations or oral reprimands. The person issuing such a letter may direct that it be removed earlier if in the issuing person's opinion, the letter has served its purpose and is no longer required.
4. The following information will be temporary and will be removed from the file and destroyed as indicated:
- A. Performance evaluation reports when 5 years old.
 - B. Records of any arrests, charges, investigation of wrong doing, or similar actions involving the employee which later resulted in the employee's acquittal or in the charges being dropped.
5. The following information will not be kept in the employee's personnel file:
- A. Racial, ethnic, religious or political identifications or affiliation.
 - B. Any listing or records of grievances filed by the employee.
6. The personnel file will be in the custody of the Department of Human Resources and except for public information will be available only to any of the following persons, under supervision, in the Department of Human Resources:
- A. Office and legal personnel as officially required.

- B. The individual employee, at a reasonable time, and when accompanied by the employees written authorization, his/her legal representative or bargaining unit representative.
 - C. Legal authorities only when required by subpoena in which case the employee will be notified of the information provided.
- 7. Public information will include the employee's name, job title, salary, and fringe benefits provided.
 - 8. Regular examination of the personnel file to purge temporary documents shall be done annually.

(*Ord. 18-1996*, 6/24/1996, §3.09)

D. Benefits.

§1-241. Insurance, Pension, Worker's Compensation and Other Benefits.

1. Employees shall be entitled to the leave and holiday benefits and to life insurance, health insurance, pension and worker's compensation, as per current collective bargaining agreements and applicable law. There are three individual pension boards; the Officers and Employees Retirement System, the Police Pension Fund and the Firemen's Pension Fund, who administer the funds and determine benefits. The Department of Human Resources shall make accessible a pension plan summary to all employees detailing these benefits.
2. Part-time employees, temporary employees and seasonal employees shall only be entitled to workers compensation.

(Ord. 18-1996, 6/24/1996, §4.01)

§1-242. Injury on Duty.

1. The City of Reading has a comprehensive safety and training program independent of this Code. In the event any employee suffers an accident on duty he/she shall immediately notify his/her supervisor, who shall in turn file a full report with the Human Resources Office within 48 hours of the accident.
2. An employee who sustains a work-related injury, as a result of which he/she is disabled, shall be paid the difference between the money to which he/she may be entitled under worker's compensation, Social Security or other applicable disability benefits and his/her full salary, which difference shall be charged to his/her sick leave, and shall be paid only to the extent of his/her accrued sick leave.

(Ord. 18-1996, 6/24/1996, §4.02)

E. Leave, Vacations and Holidays.

§1-251. Family Medical Leave.

1. Under the Family and Medical Leave Act, an eligible employee may request up to a total of 12 work weeks of unpaid leave during any 12 month period at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member (as defined by the Act).
2. An eligible employee (as defined by the Act) is one who has been employed by the City for at least 12 months and for at least 1,250 hours of service with the City during the previous 12 months prior to the leave requested.
3. Employees are entitled to unpaid leave of absence in compliance with the Family Medical Leave Act as outlined in the employee handbook. The following provisions shall apply to full-time employees only:
 - A. At the discretion of the Department Director and Managing Director, emergency leave may be granted to an employee who has an extraordinary personal emergency that is not covered by any of the forms of leave detailed herein.

(Ord. 18-1996, 6/24/1996, §5.01)

§1-252. Holidays.

1. The following days shall be recognized by the City as paid holidays:

New Year's Day	Labor Day
Martin Luther King's Day	Veteran's Day
President's Day	General Election
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Flag Day	Birthday
Independence Day	Christmas Day

2. Monday shall be recognized as the holiday for all holidays that occur on Sunday, and Friday for all holidays that occur on Saturday.
3. If an employee is called upon to and does work on any of the holidays set forth in this section, he/she shall be paid as provided in §1-275.
4. Any employee who is absent without paid leave or reasonable excuse, either the workday before or after a holiday will forfeit the holiday pay.

ADMINISTRATION AND GOVERNMENT

5. Each employee shall be granted one personal day in addition to the above mentioned holidays which shall be taken with the approval of the Department Director.

(*Ord. 18-1996, 6/24/1996, §5.02; as amended by Ord. 14-2001, 5/29/2001*)

§1-253. Annual Vacation Leave.

1. Full-time employees shall accrue vacation leave according to the following schedule:
 - A. 5/12 of a day a month for the first year of service.
 - B. For the second year to the eighth year of service, 2 weeks or 10 work days.
 - C. After 8 years of service, 3 weeks or 15 work days.
 - D. After 14 years of service, 4 weeks or 20 work days.
 - E. After 20 years of service, 5 weeks or 25 work days.
2. Years of service shall be defined to mean the anniversary year in which the individual shall have completed the specified number of continuous years of service.

(*Ord. 18-1996, 6/24/1996, §5.03*)

§1-254. Sick Leave.

1. Full-time employees shall be allowed 12 sick leave days per year which shall be accumulated at the rate of 1 day per working month. However, no sick leave shall be accumulated unless an employee works at least half the days during the pay period, when an employee is on sick leave.
2. Employees shall be allowed 12 sick leave days per year which shall be accumulated at the rate of 1 day per working month. However, no sick leave shall be accumulated unless an employee works at least half the days during the pay period, when an employee is on sick leave.
3. Employees shall accrue unused sick leave from year to year with a maximum accumulation of 45 days. However, employees who have previously accumulated an amount of sick leave in excess of 45 days shall retain their current accumulated total. Any employee who has accumulated sick leave in excess of the 45 day maximum shall be red-lined at his/her level of accumulation. No employee who has accumulated an excess of 45 days of sick leave shall be allowed to accumulate any other sick leave until and unless such person goes below the 45 day maximum. Said person shall only be able to accumulate sick leave once they have initially gone below the 45 day limit.

4. At the end of each calendar year, an employee shall become entitled to compensatory time off or pay at his regular daily rate of base pay in an amount equal to 1 day for each calendar quarter in which the employee used none of his allowable sick leave during the year just ended. The employee shall have the option to choose either time off with pay or just pay.
5. In addition to the sick leave which each employee accrues individually, the sick leave pool shall operate as follows:
 - A. The employer agrees to contribute to the sick leave pool, sick leave days at the rate of one day per month per employee in the same manner and according to the same provisions that sick leave is accumulated by the employees individually. In no event shall the total contribution by the employer per employee exceed 12 in 1 year; however, said total may be less than that for an individual employee who has not qualified for a maximum of 12 in any 1 year.
 - B. No employee shall be allowed to draw from the sick leave pool unless they have accumulated 30 sick leave days as of the time of the on set of their illness or injury.
 - C. No employee shall be eligible to utilize sick leave from the pool unless that employee has an extended illness and has exhausted his or her regular leave; provided, however, that no employee shall be eligible for the sick leave pool until such time as the employee has utilized all of his/her accumulated sick leave days, vacation, personal days and compensatory time.
 - D. Any employee desiring to utilize sick leave from the pool shall have satisfactory evidence demonstrating that their illness or injury is such that it will continue for an extended period. In order to qualify as an extended period of illness or injury, the employee shall be required to submit a medical opinion in form and manner satisfactory to the employer that in the opinion of a physician the employee's illness or injury will totally incapacitate said employee for a period of not less than 30 days after the date that the employee has expended his/her accumulated sick leave. In the event that an employee submits a report by a physician and the City would question the validity or the conclusion of the physician, the City shall have the right to have the matter reviewed by the City Health Officer. In the event of a dispute between the opinion of the attending physician and that of the City Health Officer, those two doctors shall refer the matter to a third physician mutually agreeable to the two physicians and the opinion of the third physician shall be binding on both parties. The fee for any report or examination from the third physician shall be borne equally by both parties.
 - E. Any employee who has been approved for utilization of sick leave from the sick pool shall only be entitled to draw from said sick leave pool for a maximum of 7 calendar months.

ADMINISTRATION AND GOVERNMENT

- F. Any employee who is approved for utilization of the sick leave from the pool shall, as a condition of continued participation in the pool, submit a statement from his attending physician every 2 weeks indicating that the total disability is continuing as of that date.
- G. In the event that the illness or disability which qualifies an employee for entrance into the sick leave pool program was caused by the actions or conduct of a third party and the employee as a result of litigation, a claim or settlement with said third party is reimbursed for lost wages on account of the actions of said third party, the employee shall be responsible to reimburse the City for monies paid by the City as a result of the employee's participation in the sick pool program.
- H. Both parties agree that the application for the right to utilize sick leave days from the pool shall be made by the employee on a written form, which form shall be signed by both the employee and the union and no employee shall have the right for admission into the sick leave pool program without the approval of the union. City agrees to provide both the union and the employee with a copy of its decision on any application for utilization of the sick leave pool.
- I. An employee with 5 years seniority who has accumulated a minimum of 30 sick leave days or more who then experiences an illness of 16 working days or more will be eligible to accrue sick leave at the rate of 2-1/2 days per month for the total number of months it would take them to reach a 30 day accumulation. The total number of months during which the employee may accumulate at the rate of 2-1/2 days per month rate shall be as set forth in the schedule below. During the number of months that the employee would be entitled to accumulate at the 2-1/2 day rate, any absences shall be subtracted from the days being accumulated. At the end of the period of months during which the employee is entitled to accumulate at the rate of 2-1/2 days per month, the employee would then revert back to the one day a month as set forth in subsection (A), above.

SCHEDULE

BALANCE OF SICK DAYS REMAINING	NUMBER OF MONTHS ELIGIBLE TO ACCUMULATE 2-1/2 PER MONTH
29	1
28	1
27	1
26	2
25	2
24	2

BALANCE OF SICK DAYS REMAINING	NUMBER OF MONTHS ELIGI- BLE TO ACCUMULATE 2-1/2 PER MONTH
23	3
22	3
21	4
20	4
19	4
18	5
17	5
16	5
15	6
14	6
13	7
12	7
11	8
10	8
9	8
8	9
7	9
6	10
5	10
4	10
3	11
2	11
1	12
0	12

ADMINISTRATION AND GOVERNMENT

(*Ord. 18-1996*, 6/24/1996, §5.04; as amended by *Ord. 21-2001*, 6/25/2001, §1)

§1-255. Funeral Leave.

Full-time employees shall receive leave with pay in the event of a death in the family as follows:

- A. In the case of spouse, parents, children, brother, sister, grandparents, grandchild or step-child living in the household, from the day of death to day after funeral, for a maximum of 4 days.
- B. In the case of the death of father-in-law, mother-in-law, brother-in-law, sister-in-law, step-child not living in the household, aunt or uncle for the day of the funeral.

(*Ord. 18-1996*, 6/24/1996, §5.05)

§1-256. Leave of Absence.

The City will permit employees an unpaid leave of absence in cases where required by disability and other circumstances and in accordance with the Family and Medical Leave Act, as stipulated in the employee handbook.

(*Ord. 18-1996*, 6/24/1996, §5.06)

§1-257. Childbirth Leave.

1. Full-time employees who become pregnant shall be entitled to a maximum of 6 months maternity leave and shall have the right to return to the same or an equivalent position without forfeiting any accrued pension and seniority rights, as stipulated in the employee handbook.
2. An employee is entitled to use accrued sick leave as well as accrued vacation leave for the period that she is unable to work as certified by a physician. All other periods of leave related to childbirth leave shall be leave without pay.
3. Said provisions shall be consistent with the Pennsylvania Human Relations Act of 1969, P.L. 133, No. 56, 43 P.S. §951 *et seq.*, and the Family Medical Leave Act of 1993.

(*Ord. 18-1996*, 6/24/1996, §5.07)

§1-258. Leave of Absence for Military Reserve Duty.

1. All City employees who are members, either enlisted or commissions of any reserve component of any of the Armed Forces of the United States or of the National Guard of the Commonwealth of Pennsylvania, shall be entitled to leave of absence, from their regular duties for a maximum of 15 days per year during which time they shall, as members of such reserve, be engaged in active service or field training ordered or authorized by Federal or State forces. Procedure for obtaining military leave is as follows.
2. Employee shall present his/her military orders to their immediate supervisor immediately upon receipt. A copy of said orders shall be forwarded to the Human Resources Office for the employee file. [Ord. 21-2001]

(Ord. 18-1996, 6/24/1996, §5.08; as amended by Ord. 21-2001, 6/25/2001, §2)

§1-259. Court Appearance and Jury Duty.

1. Any employee who is called for jury duty or subpoenaed to appear as a witness in any case other than one in which he/she is a party shall be entitled to the difference between his/her regular compensation and the sum that he/she shall receive for such duty.
2. This policy shall apply only to full-time employees and not to any part-time, temporary or seasonal employees. Any employee making a court appearance, other than as a subpoenaed witness, shall arrange some other type of leave (e.g., annual leave, leave without pay), for the duration of his/her absence.
3. In cases in which an employee needs to be excused from jury duty due to their employment with the City of Reading, the Department Director shall refer the request and/or need for excuse to the Director of the Department of Human Resources or his/her designee for correspondence with the court. Procedure for obtaining leave to serve on juries shall be as follows:

(Ord. 18-1996, 6/24/1996, §5.09)

F. Promotions.

§1-261. Promotions.

1. The City of Reading is committed to selecting the best available applicant for the position in compliance with our Affirmative Action and Equal Employment Opportunity Programs. The established policy of the City of Reading is to promote from within whenever possible within these guidelines.
2. All terms and conditions for promotion within classifications covered by a union are set forth in the collective bargaining agreement(s).
3. All full-time exempt (nonunion) positions shall be filled as follows:
 - A. A notice of vacancy form shall be posted for a period of 7 calendar days at all worksites. This posting shall include:
 - (1) Department.
 - (2) Classification.
 - (3) Salary.
 - (4) Availability.
 - (5) Description of responsibilities and requirements.
 - (6) Statement of applicant procedure and deadline date.
 - B. Applications will be reviewed and, if qualified, applicant(s) will be interviewed by the Human Resources Director or his/her designee and an appropriate department representative.
 - C. A promotional offer may be made to the most qualified applicant and, if accepted, such transfer will be effective on a mutually agreeable date with the affected department director(s).
 - D. When required by Federal mandates, or should this process fail to produce a viable candidate, the Department of Human Resources shall activate recruitment methods in accordance with §1-132 of this Chapter.
 - E. The Director of Human Resources shall notify all applicants in writing regarding their applicant status.

(*Ord. 18-1996, 6/24/1996, Art. VI; as amended by Ord. 20-2001, 6/25/2001, §1*)

G. Rules and Regulations.

§1-271. Salary Administration.

1. Employees shall be paid for each semi-monthly pay period on the 15th and last of each month. If the 15th or last of the month falls on Saturday or Sunday, employees shall be paid on the preceding working day. For payroll purposes, a work week begins on a Saturday and ends on a Friday, regardless of whether an individual employee is assigned weekend work. [Ord. 4-2003]
2. Payment for overtime shall be made on the first pay period following the pay period in which overtime is worked. [Ord. 4-2003]
3. Any and all exceptions for leave without pay, disciplinary action, etc., shall be deducted within the pay period or on the first pay period following the pay period in which the charges are incurred. [Ord. 4-2003]
4. Overtime or duplicate pay of any kind shall not be pyramided. [Ord. 4-2003]
5. Employees attending conferences/seminars shall be reimbursed as per the Fair Labor Standards Act and appropriate City ordinances. [Ord. 4-2003]
6. Compensation of any City employee suspended from work for alleged improper conduct or behavior shall be placed in an escrow account under the City employee's name. Upon resolution of the pending allegations in the City employee's favor and his/her return to work, said escrow account balance shall be paid to him/her.
 - A. Annual employee salary increases which are not governed by union labor contracts or mandated by other state statutes shall be limited to 3% without City Council approval. The amount of the annual salary increase shall be determined by a recommendation made by the employee's direct supervisor or Department Director in conjunction with consultation from the Human Resources Department. If the Human Resources Department and the employee's Department Director believe that an employee is entitled to an annual salary increase in excess of 3%, an executive session shall be scheduled with the City Council to discuss the reasons for providing a salary increase in excess of 3% of the employee's annual salary. If City Council agrees to increase an employee's salary after meeting with the Department Director and/or a representative of Human Resources, City Council shall pass a Resolution authorizing an annual salary increase in excess of 3% for the named employee.
 - B. Annual salary increases for City of Reading Department Directors are not covered by this Section and are governed by §706 of the City of Reading Home Rule Charter and Ord. 22-2002, 6/24/2002 [Appendix D], passed on June 24th, of 2002.

ADMINISTRATION AND GOVERNMENT

- C. The provisions of subsection (6)(A) of this Section shall apply to all employee salary increases effective January 1, 2003, and thereafter. Any salary increases granted in 2003 in excess of 3% is hereby reduced to 3% and any monies paid to an employee (as salary) in excess of 3% of their year 2002 salary shall be returned to the City of Reading from the proceeds of said employee's pay for the pay period immediately following the effective date of this provision.

[Ord. 4-2003]

- 7. Compensation of any City employee suspended from work for alleged improper conduct or behavior shall be placed in an escrow account under the City employee's name. Upon resolution of the pending allegations in the City employee's favor and his/her return to work, said escrow account balance shall be paid to him/her. [Ord. 46-2002]

8. **Salary Ranges.**

- A. **Managing Director** - the Managing Director of the City of Reading shall be compensated at an annual salary of no less than \$90,000 and no more than \$112,200. [Ord. 59-2005]
- B. **Chief of Fire and Rescue Services** - the Chief of the Department of Fire and Rescue Services for the City of Reading shall be compensated at an annual salary of no less than \$60,000.00 and no more than \$70,000. [Ord. 59-2005]
- C. **Chief of Police** - the Chief of Police for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- D. **Public Works Director** - the Director of the Department of Public Works of the City of Reading shall be compensated at an annual salary of no less than \$68,000 and no more than \$80,000. [Ord. 59-2005]
- E. **Finance Director** - the Director of the Department of Finance for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$72,000.
- F. **Human Resources Director** - the Director of the Department of Human Resources of the City of Reading shall be compensated at an annual salary of no less than \$75,000 and no more than \$100,000. [Ord. 59-2005]
- G. **City Solicitor** - the Director of the Legal Department for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- H. **Community Development Director** - the Director of the Department of Community and Economic Development for the City of Reading shall be compensated at an annual salary of no less than \$55,000 and no more than \$80,000.

9. The Managing Director will review the salary ranges every three years and shall present recommendations for range adjustments, based on industry standards, to City Council and the Mayor. The ranges are based on the responsibilities for each of the eight areas. These stated ranges will be used as a guideline for setting starting salaries and for requesting annual merit increases, to be based on a performance evaluation to occur on the anniversary date of the employee.
10. City Council will review the salary ranges for all positions falling under the Legislative Branch every 3 years. Recommendations for range adjustments will be based on industry standards and approved by City Council. The ranges are based on the responsibilities for the position descriptions. The stated ranges will be used as a guideline for setting starting salaries and for requesting annual merit increases, to be based on a performance evaluation to occur within 45 days of the employee's anniversary date. [Ord. 21-2002]

(Ord. 18-1996, 6/24/1996, §7.01; as amended by Ord. 20-2002, 5/28/2002, §§2, 3; by Ord. 21-2002, 6/24/2002, §3; by Ord. 46-2002, 9/10/2002, §1; by Ord. 49-2002, 9/23/2002, §1; by Ord. 3-2003, 1/13/2003, §1; by Ord. 4-2003, 2/10/2003, §1; by Ord. 23-2003, 6/17/2003, §1; by Ord. 17-2004, 4/26/2004, §1; by Ord. 36-2004, 7/26/2004, §1; by Ord. 39-2005, 6/13/2005, §1; by Ord. 52-2005, 8/22/2005, §1; and by Ord. 59-2005, 9/26/2005)

§1-272. Payroll Administration.

Every Department Director shall be responsible for implementing payroll procedures as stipulated in the employee handbook.

(Ord. 18-1996, 6/24/1996, §7.02)

§1-273. Payroll Time Sheet.

1. A payroll time sheet shall be completed for every employee for every pay period by the Supervisor or his/her designee.
2. The time sheet is to be signed by the Supervisor and the employee.
3. All times sheets are submitted to the Department of Human Resources Payroll Division along with a checklist for accuracy to the payroll clerk by the supervisor or his/her designee. Said checklist should identify that all time sheets for his/her Department have been submitted along with any special instructions for the Department of Human Resources.
4. Time sheets are verified by the payroll clerk and submitted to Finance Department for processing.

ADMINISTRATION AND GOVERNMENT

5. Payroll and time sheets are returned to the payroll clerk for final check.
6. Time sheets are returned to the Department for verification and retention.
7. The Finance Department will provide fiscal analysis for cost centers.

(Ord. 18-1996, 6/24/1996, §7.03)

§1-274. Payroll Deductions.

1. The following deductions shall be made from each employee's paycheck:
 - A. Federal, State and local income tax.
 - B. Public unemployment compensation law tax.
 - C. Reading occupation tax, collected once yearly.
 - D. Social Security (FICA) tax.
 - E. Officers and Employees Retirement Fund.
 - F. Such other taxes as shall be mandated from time to time by Federal, State and/or local laws, rules or regulations.
2. AFSCME bargaining unit employees shall have their union dues on Fair Share deduction made from their paycheck.
3. Other deductions can be made from each employee's paycheck as stipulated in the handbook.

(Ord. 18-1996, 6/24/1996, §7.04)

§1-275. Overtime.

No employee shall work overtime except at the request of or with the express permission of the Department Director or his/her designee. Overtime provisions are as follows.

[Text continued on p. 1-207]

(Ord. 18-1996, 6/24/1996, §7.05)

§1-276. Time and Attendance of Employees.

1. All employees shall be granted an unpaid lunch period during the third to fifth hours of their work day.
2. All employees shall be entitled to a ten minute rest period during each ½ work shift. Whenever possible, the rest period shall be scheduled at the middle of such ½ shift.
3. Tardiness, unauthorized absences and lunch breaks in excess of 1 hour shall be considered leave without pay and may be further subject to the disciplinary procedures.

(Ord. 18-1996, 6/24/1996, §7.06)

§1-277. Lunch and Break Periods.

Each employee shall have a scheduled lunch break. Employees are not permitted to eat their lunch at their work station unless specifically authorized.

(Ord. 18-1996, 6/24/1996, §7.07)

§1-278. Temporary Re-Assignment.

1. In the event of a vacancy, absence or disability of a department director, the managing director or some other officer or employee shall be assigned to perform in an acting or temporary capacity. The duties of any office or position in the administrative service under the supervision of the managing director, as stated in §1-141(F) of this Chapter. This temporary or acting re-assignment is for management positions only. A person re-assigned to a temporary or acting management position may request a temporary salary adjustment from the managing director who shall have the responsibility for making that decision as stated in this Section.
2. No appointed person shall serve in an acting or temporary capacity unless already employed by the City of Reading prior to such appointment or approved by City Council resolution. Council shall, within 30 days, approve or deny all temporary or acting department director and/or management appointments. If Council fails to act within this 30 day period, the appointment shall be deemed approved.
3. Acting or temporary department directors appointed may serve no more than 180 days. Council may agree to extend said term for an additional 90 day periods upon request and upon satisfactory proof that a diligent effort to recruit and hire a department director.

ADMINISTRATION AND GOVERNMENT

4. An acting or temporary department director who has been appointed to serve as a department director but who fails to be confirmed by a vote of Council shall continue to serve as the acting or temporary director for no longer than a period of 30 days from the date of the negative vote by Council, unless Council agrees to extend for 90 day period(s) as set forth in the preceding subsections.

(*Ord. 18-1996*, 6/24/1996, §7.08; as amended by *Ord. 24-2000*, 11/27/2000, §1)

§1-279. Compensatory Time/Discretionary Time.

1. All full-time nonexempt employees, except elected officials, shall receive compensatory time as per the provisions of the Fair Labor Standards Act or as per union contract. Compensatory time must be approved prior to being earned or used except in emergency situations.
2. Exempt employees (not covered by the Fair Labor Standards Act or any union contract provision) will be eligible for discretionary time. Discretionary time will not be on an hour-for-hour basis or reimbursed at time and ½ under any condition. Discretionary time off will be allowed only with the approval of the Mayor or Managing Director. Under no circumstances will there be any accrued hours that will be compensated for in any way.

(*Ord. 18-1996*, 6/24/1996, §7.09; as amended by *Ord. 27-1996*, 9/-/1996, §2)

§1-280. Dress and Grooming.

1. Employees shall report to work in attire in such a manner as is compatible with their duties and acceptable health grooming and cleanliness standards.
2. Dress and grooming shall be dictated by provisions requiring the wearing of safety clothing or equipment necessary to be worn in order to protect the employee's health and safety.

(*Ord. 18-1996*, 6/24/1996, §7.10)

§1-281. Conduct and Safety Regulations.

Employees are required to report to work as stipulated in the employee handbook.

(*Ord. 18-1996*, 6/24/1996, §7.11)

§1-282. Disciplinary Action.

1. The City reserves the right to discipline for just cause.
2. Supervisors shall notify the Department Director who in turn shall notify the Department of Human Resources of all infractions of these policies.
3. The Department of Human Resources shall investigate the allegations and determine appropriate action to be taken.
4. Disciplinary offenses/procedures are contained in the employee handbook.

(Ord. 18-1996, 6/24/1996, §7.12)

§1-283. Grievance Procedures.

1. **Bargaining Unit Members.** These procedures are contained in the applicable collective bargaining agreement and in the employee handbook.
2. **Nonbargaining Unit Members.** These procedures are contained in the employee handbook.

(Ord. 18-1996, 6/24/1996, §7.13)

§1-284. Separation.

1. An employee may be separated or dismissed whenever his/her performance, as a result of an unfavorable performance evaluation, or conduct fall below the required job standards for City employees. The dismissal of a union employee shall be in accordance with the appropriate provisions of the City union agreement. See "Disciplinary Action," §1-282 and "Performance Evaluation," §1-238.
2. The executive branch shall have the right to lay-off employees as may be deemed necessary by the executive branch in accordance with the applicable collective bargaining agreements. If the employee is not subject to a collective bargaining agreement.
3. Employees tendering a resignation shall be required to provide written notice of resignation at least 10 working days prior to the intended date of employment termination.
4. Death separation shall become effective as of the day following death. All compensation due the employee, shall be paid to the estate of the employee, unless otherwise provided

ADMINISTRATION AND GOVERNMENT

by law. There shall be no pro-ration of vacation leave and in no event shall unused sick leave, compensatory time or other paid leave be considered.

5. Retirement of an eligible employee shall be subject to the same policies and procedures as outlined for resignation. However, should an employee wish to retire because of a sudden or extreme change in health, the notice requirement may be waived by the Managing Director. Upon retirement, an employee shall receive all unused vacation for the appropriate years of service with no pro-rating.
6. Upon resignation one copy of the employee's notice of resignation shall be sent to the department head and one copy shall be sent directly to the Department of Human Resources.
7. All unused eligible vacation time shall be considered for pro-rated compensation. In no event shall unused sick leave be considered. Full-time employees shall be compensated for accumulated compensatory time to the extent of the lesser of: (A) the hours accrued, or (B) 240 hours.
8. An exit interview may be conducted, and, if requested by an employee, shall be conducted. Said interview may be used as a management tool to gain insight into the effectiveness of the City personnel and managerial practices and to determine when and if such practices need improvement. The Director of Human Resources or his/her designee, when conducting such an interview, shall place a brief record of the interview in the permanent record of the employee.
9. At his/her discretion, the Director of Human Resources or his/her designee may call an exit interview with an employee prior to separation.
10. Upon separation, all City property shall be returned.

(Ord. 18-1996, 6/24/1996, §7.14)

§1-285. Disability Removal.

1. An employee who cannot perform his/her job duties because of disability, nonwork connected injury or illness shall be removed upon expiration of all such sick leave, vacation and unpaid leave of absence.
2. The removal shall state that it is removal for disability and that if within a 2 year period from removal, the employee is fit to return to his/her job duties he/she will be given preference in hiring when a vacancy occurs.
3. The fact that he/she is physically fit shall be certified by physician statement.

4. When the employee is rehired, there shall be no loss of seniority other than the period between removal and rehiring.

(Ord. 18-1996, 6/24/1996, §7.15)

§1-286. Providing Employees Legal Counsel.

When a legal action is brought against an employee, the Mayor, Managing Director, City Solicitor and Director of Human Resources shall determine whether or not the City shall be required to provide legal counsel to the employee.

(Ord. 18-1996, 6/24/1996, §7.16)

§1-287. Employee Responses to Information Requests.

Any requests for information with respect to an employee shall be made to the managing director for review with City Solicitor to determine if response is appropriate.

(Ord. 18-1996, 6/24/1996, §7.17)

§1-288. Management Incentive Program.

Administration has the right to establish a management incentive program, which shall include sick leave upon retirement.

(Ord. 18-1996, 6/24/1996, §7.18)

H. Appeals.

§1-290. Appeals.

Any employee who has filed a complaint and has either received a denial of the complaint and/or no action with respect to the complaint within 20 days after the filing of such written complaint with the Department of Human Resources, shall have the right to appeal such denial and/or nonaction as follows:

- A. The employee shall file with the Department of Human Resources an appeal stating that the appeal was denied and/or no action was taken, the appeal shall provide the date upon which the original complaint was filed and the date the action or nonaction was taken by the Department of Human Resources.
- B. The appeal shall contain the basis upon which the employee feels his or her complaint is justified, including any exhibits and/or other evidence which the employee deems relevant to sustaining the allegations contained in his or her complaint.
- C. The Director of Human Resources together with the employee's department head shall promptly upon receipt review the appeal and within a reasonable time after the filing of such appeal, but no longer than 10 days thereafter, set a date for hearing the appeal of the employee before the Director of Human Resources and the department head, which date shall be not more than 30 days after the date of filing the appeal. The Director of Human Resources and department head shall, following the hearing held with the employee, render a decision within 10 days of such hearing date and provide employee with written notice of their decision with respect to the appeal. In the event the employee is not satisfied with the decision of the Director of Human Resources and the department head, the employee shall have the further right to within 10 days of the receipt of the denial of such employee's appeal, appeal to the managing director in writing. The managing director shall meet with the employee within 20 days of the filing of such written appeal and at a date set by the managing director. Following the meeting with the employee with the managing director, the managing director shall render his decision within 10 days of such hearing and the decision of the managing director shall be final with respect to the employee's complaint.
- D. An employee who has filed a complaint shall have no right to have legal counsel present at the initial appeal meeting before the department head and the Director of Human Resources. The employee shall have the right to have legal counsel or another representative present at the appeal before the managing director if the managing director upon request, so permits.

(Ord. 18-1996, 6/24/1996, Art. VIII)

PART 3

COMPENSATION OF ELECTED OFFICIALS

§1-301. Compensation.

From and after first Monday of January, 2004, the following salaries shall be paid to each of the hereinafter designated elected officials of the City in accordance with the following schedule; provided, however, that such salaries shall apply only to such elected officials assuming office on or after the first Monday of January, 2004:

- A. Mayor - the Mayor of the City of Reading shall be compensated at an annual salary of:
 - (1) \$63,000.00 for the period beginning the first Monday in January, 2004, and ending the first Sunday in January, 2005.
 - (2) \$64,200.00 for the period beginning the first Monday in January, 2005, and ending the first Sunday in January, 2006.
 - (3) \$65,400.00 for the period beginning the first Monday in January, 2006, and ending the first Sunday in January, 2007.
 - (4) \$66,600.00 for the period beginning the first Monday in January, 2007, and ending the first Sunday in January, 2008.
- B. President of Council - the City Council President for the City of Reading shall be compensated at an annual salary of \$5,500 per year.
- C. Councilmen - the District Councilpersons for the City of Reading shall be compensated at our annual salary of \$5,000 per year.
- D. City Auditor - the City Auditor of the City of Reading shall be compensated at an annual salary of:
 - (1) \$48,000.00 for the period beginning the first Monday in January, 2004, and ending the first Sunday in January, 2005.
 - (2) \$49,200.00 for the period beginning the first Monday in January, 2005, and ending the first Sunday in January, 2006.
 - (3) \$50,400.00 for the period beginning on the first Monday in January, 2006, and ending the first Sunday in January, 2007.
 - (4) \$51,600.00 for the period beginning the first Monday in January, 2007.

ADMINISTRATION AND GOVERNMENT

(*Ord. 74-1989*, 6/28/1989, §1; as amended by *Ord. 14-2001*, 5/29/2001; and by *Ord. 9-2003*, 4/14/2003, §1)

§1-302. Payment of Salary.

The salaries fixed by the foregoing schedule in §1-301 shall be payable bimonthly as the salaries of other officials and employees are paid.

(*Ord. 74-1989*, 6/28/1989, §1)

PART 4⁷⁷

AUTHORITIES

A. Municipal Airport Authority.

§1-401. Intent.

It is the desire and intention of the Municipal Authorities of the City of Reading, County of Berks and Commonwealth of Pennsylvania, to organize an authority under the Municipality Authorities Act of 1945, being the Act of May 2, 1945, P.L. 382, as amended and supplemented.

(Ord. 39-1956, 7/18/1956, §1)

§1-402. Name of Authority.

The name of the proposed authority shall be "Reading Municipal Airport Authority" and it shall be formed for the following purpose, to acquire, hold, construct, improve, maintain, operate, own or lease the General Carl A. Spaatz Field, Reading Municipal Airport and other airports, airfields, landing fields, lands, buildings, improvements and all facilities necessary or incidental thereto.

(Ord. 39-1956, 7/18/1956, §2)

§1-403. Articles of Incorporation.

The proposed Articles of Incorporation of the proposed authority are as follows:

ARTICLES OF INCORPORATION

To the Secretary of the Commonwealth of Pennsylvania:

In compliance with the Municipality Authorities Act of May 2, 1945, as amended and supplemented, the City of Reading, the County of Berks, a municipality of the Commonwealth of Pennsylvania, pursuant to an ordinance adopted by the Municipal Authorities of said City signifying said City's desire and intention to form an authority, hereby certifies:

⁷⁷Municipal Authorities Act - see 53 P.S. §301 *et seq.*
Parking Authorities Law - see 53 P.S. §344 *et seq.*

ADMINISTRATION AND GOVERNMENT

- (1) The name of the Authority shall be Reading Municipal Airport Authority and it shall be formed for the following purpose, to acquire, hold, construct, improve, maintain, operate, own or lease the General Carl A. Spaatz Field, Reading Municipal Airport and other airports, airfields, landing fields, lands, buildings, improvements and all facilities necessary or incidental thereto.
- (2) The Authority is formed under the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended and supplemented.
- (3) No other authority has been organized by the City of Reading under the Municipality Authorities Act of May 2, 1945, as amended and supplemented, and no authority has been organized by the City of Reading under the Act approved June 28, 1935, P.L. 463.
- (4) The name of the incorporating municipality is the City of Reading, County of Berks and Commonwealth of Pennsylvania and the names and addresses of the Municipal Authorities are as follows: [Here followed the names and addresses of City Council.]
- (5) The names and addresses and terms of office of the first members of the Board of the Authority are: [Here followed the names and addresses and terms of office of the first members of the Board of the Authority.]

(Ord. 39-1956, 7/18/1956, §3)

§1-404. Members of Board.

The following persons are hereby appointed members of the Board of the Authority with the following terms of office. [Here followed the first appointed members of the Board of the Authority and terms of office.]

(Ord. 39-1956, 7/18/1956, §4)

§1-405. Execution of Articles of Incorporation.

The Articles of Incorporation of the proposed authority in substantially the form set forth in §1-403 of this Part shall be executed on behalf of the City of Reading by the Mayor and City Clerk, and such officers are hereby authorized, empowered and directed to do all things necessary and appropriate to effect and establish said proposed authority in conformity with the provisions of the Municipality Authorities Act of 1945, as amended and supplemented.

(Ord. 39-1956, 7/18/1956, §5)

§1-406. Appointments.

The Council of the City of Reading shall, at a meeting held not later than 1 month prior to January 1 of each year in which a vacancy occurs in the representation of the City of Reading on the Board, appoint as a member of the Board a proper person to succeed each member whose term expires January 1 next succeeding year.

(Ord. 39-1956, 7/18/1956, §6)

§1-407. Purpose.

The adoption of this Part is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare and will increase the general welfare of the people of the City of Reading.

(Ord. 39-1956, 7/18/1956, §7)

B. Reading Parking Authority.

§1-411. Intent.

The City Council of the City of Reading hereby signifies its intention and desire to organize a parking authority under the provisions of the Parking Authority Law of 1947, as amended.

(Ord. 24-1953, 9/9/1953, §1)

§1-412. Articles of Incorporation.

The Mayor and the City Clerk are hereby authorized and directed to execute on behalf of the City of Reading Articles of Incorporation for said authority, in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH, COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Act of June 5, 1947, P.L. 458 known as the Parking Authority Law, as amended, the City of Reading, Berks County, Pennsylvania, desiring to incorporate an authority thereunder, does hereby certify:

- (1) The name of the authority is the "Reading Parking Authority."
- (2) Said Authority is formed under the provisions of the Act of June 5, 1947, P.L. 458, as amended.
- (3) The name of the incorporating municipality is City of Reading, Berks County, Pennsylvania.
- (4) The names and addresses of its municipal authorities, including its Council members are as follows: [Here followed the names, addresses and offices of the City's municipal authorities.]
- (5) The names, addresses and terms of office of the first members of the Board of the Parking Authority to be formed hereby are as follows: [Here followed the name, addresses and terms of office of the members of the Board.]

(Ord. 24-1953, 9/9/1953, §2)

§1-413. Publishing Required.

ADMINISTRATION AND GOVERNMENT

The proper officers of the City are hereby directed to cause this Part to be published as required by law but setting forth only briefly the substance of the proposed Articles of Incorporation, as permitted by §4 of the Parking Authority Law, as amended.

(*Ord. 24-1953, 9/9/1953, §3*)

§1-414. Notice of Articles of Incorporation.

The proper officers of the City are hereby directed to cause a notice of the proposed filing of the above Articles of Incorporation to be published once in the Berks County Law Journal and once in a newspaper of general circulation in Berks County, as required by §4 of the Parking Authority Law, as amended.

(*Ord. 24-1953, 9/9/1953, §4*)

§1-415. Filing of Articles of Incorporation.

The Mayor and City Clerk are directed to file said Articles of Incorporation, together with the necessary proof of publication, with the Secretary of the Commonwealth and to do all other acts and things necessary or appropriate to effect the incorporation of the Reading Parking Authority.

(*Ord. 24-1953, 9/9/1953, §5*)

§1-416. Members of the Board.

The following named persons be and they are hereby appointed as the first members of the Board of the Parking Authority whose terms of office shall commence on the date of appointment and shall be computed from June 1, 1953. [Here followed the names, addresses and terms of office of the first Board.]

(*Ord. 24-1953, 9/9/1953, §6; as amended by Ord. 34-1953, 11/25/1953, §1*)

§1-417. Term of Existence.

The term of existence of said Reading Parking Authority shall be for a period ending on August 15, 2040.

(*Ord. 24-1953, 9/9/1953; as added by Ord. 19-1977, 6/15/1977, §1; as amended by Ord. 111-1990, 8/29/1990, §2*)

C. Reading Area Water Authority.

§1-421. Intent.

The Council of this City (the "Council") signifies the intention and desire to organize an authority under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945 (the "Authorities Act").

(Ord. 46-1994, 5/5/1994, §1)

§1-422. Articles of Incorporation.

The Mayor and Vice President of Council and the City Clerk, respectively, of this City are authorized and directed to execute, in behalf of this City, Articles of Incorporation for such Authority in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipalities Authorities Act of 1945, and pursuant to an ordinance duly enacted by the municipal authorities of the City of Reading, Berks County, Pennsylvania (the "City"), expressing the intention and desire of the municipal authorities of said municipality to organize an authority under provisions of said Act, said municipality certifies:

- (1) The name of the authority is "Reading Area Water Authority."
- (2) The Authority is formed under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945. The Authority shall have all the powers provided for under such Act; provided, however, that the Authority shall be prohibited, without prior approval from City Council, from:
 - (a) Undertaking any project which is not related to waterworks, water supply works or water distribution systems.
 - (b) Undertaking any project whether or not related to waterworks, water supply works or water distribution systems, which involves the incurrence of any long term debt.
- (3) The City is the sole incorporating municipality of the Reading Municipal Airport Authority, and is a joint incorporating municipality of the Berks Area Reading Transportation Authority. Other than the aforementioned

ADMINISTRATION AND GOVERNMENT

municipal authorities, no other authority has been organized under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945 or under provisions provided of the Act of Assembly approved June 28, 1935, P.L. 436, as amended and supplemented, and is in existence in or for the incorporating municipality.

- (4) The name of said incorporating municipality is City of Reading, Berks County, Pennsylvania.
- (5) The offices, names and addresses of the municipal authorities of said incorporating municipality are: [Here followed the offices, names and addresses of the municipal authorities.]
- (6) The names, addresses and terms of office of first members of the Board of the Authority, each of whom is a citizen of said incorporating municipality are as follows: [Here followed the names, addresses and terms of office of the first Board members.]

(Ord. 46-1994, 5/5/1994, §2)

§1-423. Notice of Articles of Incorporation.

The appropriate officers of the Council are authorized and directed to cause notice of the substance of this Part, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.

(Ord. 46-1994, 5/5/1994, §3)

§1-424. Filing of Articles of Incorporation.

The appropriate officers of the Council are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of filing fees.

(Ord. 46-1994, 5/5/1994, §4)

§1-425. Members of the Board.

The following named persons are appointed the first members of the Board of the Authority for the following terms of office: [Here followed the names of the first appointed members of the Board.]

(*Ord. 46-1994*, 5/5/1994, §5)

D. Reading Downtown Improvement District Authority.

§1-431. Re-Establishment of the Reading Downtown Improvement District Authority.

The Reading Downtown Improvement District Authority ("Authority"), originally established by *Ord. 134-94*, titled "An Ordinance Authorizing the City of Reading to Organize an Authority to be Known as the 'Reading Downtown Improvement District Authority,' Pursuant to the Provisions of the Municipality Authorities Act of 1945, P.L. 382, As Amended, Under Certain Terms and Conditions," as amended by subsequent enactments, including *Ord. 11-95*, *Ord. 66-95*, *Res. 706-95*, and *Ord. 20-2000*, all of which are hereby incorporated by reference, is hereby re-established pursuant to the Municipality Authorities Act and the Neighborhood Improvement District Act, pursuant to the terms set forth herein.

(*Ord. 41-2005*, 6/27/2005, §1)

§1-432. Re-Establishment of Neighborhood Improvement District/Adoption and Approval of Final Plan for Reading Downtown Improvement District.

As authorized by Act 2000-130, 73 P.S. § 831 *et seq.*, known as the "Neighborhood Improvement District Act of 2000" (hereinafter the "Act"), the Authority, as re-established by §1-431, above, shall be organized and exist for the purposes of providing cleaning, maintenance, and security, as well as other services as authorized and set forth in the "Agreement By and Between the City of Reading and the Reading Downtown Improvement District Authority," a copy of which is attached hereto, incorporated herein, and marked as Exhibit "A," and set forth in the "Final Plan for the Reading Downtown Improvement District," attached hereto as Exhibit "B." The within-described area shall be known as the "Reading Downtown Improvement District" ("District"):

(Insert Legal Description From Final Plan Here)

A map showing the general boundaries, site, and situation of the proposed District is contained in the Final Plan for the District, and is incorporated by reference as though the same were set forth herein at length. Said Final Plan is hereby approved as the Final Plan for the Reading Downtown Improvement District.

(*Ord. 41-2005*, 6/27/2005, §2)

§1-433. Rights of Authority.

Rights of Authority. The Authority may recommend to City Council more specific boundaries of the designated District, in accordance with the Neighborhood Improvement District Act or other applicable law. The Authority shall have the authority to develop and make business improvements and provide administrative services, including additional security, cleaning and maintenance, marketing, and other management services in accordance with applicable law

and/or in Reading Downtown Improvement District Authority." The Authority shall have the authority to impose an assessment on each benefitted property in the designated district described in this Part.

(Ord. 41-2005, 6/27/2005, §3)

§1-434. Authorization of Authority.

The Authority and its Solicitor are further authorized and directed to take all steps necessary for the filing, in accordance with the Neighborhood Improvement District Act and the Municipality Authorities Act, of amendments to the Articles of Incorporation of the Authority and By-Laws of the Authority as required by the Neighborhood Improvement District Act, the Municipality Authorities Act, or other applicable law.

(Ord. 41-2005, 6/27/2005, §4)

§1-435. Management.

The Authority, an existing municipal authority established pursuant to the Act of May 2, 1945 (P.L. 382, No. 164, known as the Municipality Authorities Act of 1945), shall be re-authorized, and shall be appointed as Neighborhood Improvement District Management Association (NIDMA) of the City of Reading Downtown Improvement District and authorized to exercise all powers provided for in §7 of the Act, 73 P.S. § 837.

(Ord. 41-2005, 6/27/2005, §5)

§1-436. Levy of Special Assessment.

In accordance with the provisions of §§4, 5 and 10 of the Act, 73 P.S. §834 (5) and (10), an assessment fee shall be imposed on all non-excluded properties located within the boundaries of the District provided that the Final Plan for the District is approved by City Council after notice to the public and public hearings.

A. **Amount and Method of Assessment.** The assessment shall be made as of July 1, 2005, and is based on the cost estimates provided in the Final Plan of the Reading Downtown Improvement District and shall be as follows:

- (1) Commercial properties, industrial properties, and commercial apartment buildings within the District shall be assessed at the rate of 4.754 mills for each \$1,000 of assessed value.
- (2) Residential properties shall be excluded from the payment of the special property assessment provided such properties are carried as "Residential"

in the assessment records for the County of Berks, Commonwealth of Pennsylvania.

- (3) Tax-exempt property owners within the District shall be allowed and encouraged to provide in-kind services or a financial contribution to the Authority.
- B. **Payment of Assessment.** Payment of one half of the FY 2005 assessment shall be due 60 days following the date of mailing of the notice of assessment. Payment of the entirety of the assessment, beginning with sums due on January 1, 2006, and each January 1 of each year thereafter, shall be due no later than 60 days following the date of mailing of the notice of assessment.
- C. **Liens.** Assessments shall constitute liens and encumbrances upon the assessed property and shall be collectable in accordance with the provisions of §7(d) of the Act, 73 P.S. §837(d) and in general may be collected in the same manner as municipal tax claims notwithstanding the provision of this Section as to installment payments.
- D. **Delinquent Payment of Assessments.** In the event of delinquency or failure to remit assessments, the property shall be subject to lien and the property owner shall be additionally assessed for costs of collection, interest, and counsel fees.

(Ord. 41-2005, 6/27/2005, §6)

§1-437. Collection of Assessments.

The Authority is designated as the collector for assessments provided for herein.

(Ord. 41-2005, 6/27/2005, §7)

§1-438. Sunset Provision.

1. The Authority shall automatically terminate on December 31, 2015, unless continued or extended by subsequent action of the City Council of the City of Reading in accordance with the provisions of the Act, 73 P.S. §830 *et seq.*
2. In the event of termination, all property of the Authority shall pass to the City of Reading and the District shall cease to exist.

(Ord. 41-2005, 6/27/2005, §8)

§1-439. Management Agreement.

ADMINISTRATION AND GOVERNMENT

The Agreement attached as Exhibit "A" between the City Council of the City of Reading and the Board of the Authority is hereby approved, and shall govern specific powers, duties and responsibilities of the City of Reading and the Authority.

(Ord. 41-2005, 6/27/2005, §9)

§1-440. No Reduction in Services.

The City of Reading shall in no way reduce or suspend the current level of services currently being provided to the geographic area of the District as a result of the re-establishment of the Authority. Services provided by the Authority shall be in addition to services provided by the City of Reading. The Authority shall periodically monitor the quantity and quality of City services outlined in the agreement. The type(s) and level of services shall be as set forth in the Agreement attached hereto as Exhibit "A."

(Ord. 41-2005, 6/27/2005, §10)

E. Berks County Convention Center Authority.

§1-441. Intent.

The Council of this City ("the Council") signifies the intention and desire to organize an authority jointly with the County of Berks, Pennsylvania ("the County") under provisions of the Act of Assembly approved December 27, 1994, P.L. 1375, as amended and supplemented, known as the Third Class County Convention Center Authority Act (the "Act").

(Ord. 116-1996, 6/24/1996, §1)

§1-442. Execution of Articles of Incorporation.

The Mayor and the City Clerk, respectively, of this City are authorized and directed to execute, on behalf of the City, Articles of Incorporation for such Authority in substantially the form set forth on Exhibit "A" attached hereto and made a part thereof.

(Ord. 116-1996, 6/24/1996, §2)

§1-443. Filing of Articles of Incorporation.

The appropriate officers of the Council acting jointly with appropriate officers of the County, are authorized and directed to file such Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of required filing fees.

(Ord. 116-1996, 6/24/1996, §3)

§1-444. Members of the Board of the Authority.

The following named persons are appointed the first members to represent this City on the Board of the Authority for the following terms of office: [Here followed the names and terms of office of the first appointed Board.]

(Ord. 116-1996, 6/24/1996, §4)

§1-445. Articles of Incorporation.

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

ADMINISTRATION AND GOVERNMENT

In compliance with the requirements of the Act of Assembly approved December 27, 1994, P.L. 1375, as amended and supplemented, known as the Third Class County Convention Center Authority Act, and pursuant to ordinances duly enacted by the governing bodies of the County of Berks, Pennsylvania (the "County") and the City of Reading, Berks County, Pennsylvania (the "City"), expressing the intention and desire of the governing bodies of said municipalities to organize an authority jointly under provisions of said Act, said municipalities certify:

- (1) The name of the authority is "Berks County Convention Center Authority."
- (2) The Authority is formed under provisions of Act of Assembly approved December 27, 1994, P.L. 1375, as amended and supplemented, known as the Third Class County Convention Center Authority Act.
- (3) No other Authority has been organized under provisions of the Act of Assembly approved December 27, 1994, P.L. 1375, as amended and supplemented, known as the Third Class County Convention Center Authority Act.
- (4) The names of the incorporating municipalities are: County of Berks, Pennsylvania and City of Reading, Berks County, Pennsylvania.
- (5) The offices, names and addresses of the officers of the governing bodies of said incorporating municipalities are: [Here followed the offices, names and addresses of the incorporating municipalities.]
- (6) The members of the Board of the Authority shall be seven in number and shall be apportioned as follows:

County of Berks, Pennsylvania	3
City of Reading, Berks County, Pennsylvania	3

The terms of the first three members appointed by the governing body of the County of Berks, Pennsylvania shall be allocated between them for a 2 year, 3 year and 4 year term, respectively. The terms of the first three members appointed by the governing body of the City of Reading, Berks County, Pennsylvania shall be allocated between them for a 2 year, 3 year and 4 year term, respectively.

The governing bodies of the incorporating municipalities shall alternate in the appointment of the seventh member. The governing body of the County of Berks, Pennsylvania shall make the first appointment of the seventh member whose term shall be 4 years.

- (7) The names, addresses and terms of office of the first members of the Board of the Authority, each of whom is a citizen of said incorporating municipal-

ity, are as follows: [Here followed the names, addresses and terms of office of the first members of the Board of the Authority.]

(*Ord. 116-1996*, 6/24/1996, Exhibit A)

PART 5

BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS

A. Park and Recreation Citizen's Advisory Committee.

§1-501. Findings and Purpose.

1. **Findings.** The City of Reading has determined that the benefits of municipal recreation and park services offer significant value to the community such as individual opportunities for physical fitness, happiness, creativity, competition, social relationships and character development. Park and recreation also brings a community together and cultivates the City's youth to be responsible and productive citizens.
2. **Purpose.** It is to be declared to be the purpose of this Part 5A to establish a Park and Recreation Advisory Committee to provide citizen input to appointed and elected officials on issues regarding park policies, recreation activities and overall park and recreation planning.

(Ord. 11-2000, 7/24/2000, §1)

§1-502. Duties and Responsibilities.

The committee shall provide advisory recommendations to the City on matters regarding the City's parks and recreation. The duties and responsibilities are detailed as follows:

- A. Recommend policies for the use of City owned parks, open space and playgrounds.
- B. Provide guidance to the administration on developing agreements with associations, leagues, athletic groups or other community organizations that use City parks, playgrounds and open space on a regular basis.
- C. Provide guidance and feedback to the Superintendent of Recreation on recreation programs and the use of recreation facilities.
- D. Facilitate neighborhood meetings to obtain feedback from the community on park and recreation needs.

(Ord. 11-2000, 7/24/2000, §1)

ADMINISTRATION AND GOVERNMENT

§1-503. Committee Membership.

1. The committee shall consist of a minimum of seven members and two students all of whom shall be residents of the City of Reading. [*Ord. 34-2001*]
2. The term of each member shall be for a period of 3 years. Members will be appointed to serve staggered terms.
3. All members of the committee shall be appointed by the Mayor with the approval of Council.
4. Chairperson shall be elected annually by committee.
5. The terms of office shall be staggered in such a manner that at least two terms expire annually.

(*Ord. 11-2000, 7/24/2000, §1; as amended by Ord. 34-2001, 9/24/2001, §1*)

§1-504. Meetings.

The committee shall hold regular meetings that occur at least once per month. The committee chair shall prepare an agenda 7 days advance which shall be distributed to the Mayor, Managing Director, Director of Public Works and City Clerk.

(*Ord. 11-2000, 7/24/2000, §1*)

§1-505. Responsibilities of the Superintendent of Recreation.

The Superintendent of Recreation shall be the staff contact with the committee and shall serve as a liaison between the committee, the administration and Council. The Superintendent of Recreation shall perform the following duties:

- A. Advise the committee of the City's strategic goals, needs and budget relating to recreation.
- B. Work with the committee chairperson to develop the monthly meeting agenda.
- C. Prepare and distribute meeting minutes.
- D. Obtain all information and documentation requested of the committee.
- E. Prepare an annual report on behalf of the committee, detailing the committee's strategic goals, activities and accomplishments.

(*Ord. 11-2000*, 7/24/2000, §1)

B. Board of Health.

§1-511. Creation of Board of Health.

There is hereby established a Board of Health which shall be as follows:

- A. The Board shall consist of five members and three alternates who shall be appointed in accordance with the provisions contained in 53 P.S. §37302 *et seq.* [Ord. 39-2004]
- B. In accordance with the provisions contained in 53 P.S. §37302, each member shall be a resident of the City of Reading.
- C. As set forth in 53 P.S. §37302, one member of the Board shall be from the health field with preference given to a physician.
- D. The Board shall operate under the policies and procedures in §1-512. The policies and procedures shall be deemed the governing rules and regulations of the Board until amended or modified by the subsequent action of City Council.
- E. A Board Member shall be removed automatically if they fail to attend three consecutive meetings without reasonable excuse. [Ord. 39-2004]

(Ord. 36-1996, 11/12/1996, §1, as amended by Ord. 39-2004, 9/13/2004, §1)

§1-512. Policies and Procedures of the Board of Health.

1. **Structure of Board of Health.** Section 37301. Board of Health; Incompatibility of Article XXIII - Public Health of the Third Class City Code, states that each city shall, by ordinance, create a Board of Health or otherwise, Council shall be the Board of Health. The Administrative Code of the Home Rule Charter of the City of Reading does provide for the enactment of a separate, independent Board of Health. The importance of having an independent Board of Health lies in the expertise that the members will have in the particular areas that the Board of Health will address. [Ex. Building/structure, health, etc.]
2. **Duties/Purpose.**
 - A. To prevent or diminish the introduction or further spread of infectious or contagious diseases.
 - B. To prevent, abate or remove conditions found to be detrimental to the public health as a public nuisance. Public nuisance is defined in Property Rehabilitation and Maintenance Code [Chapter 5, §5-621] as:

ADMINISTRATION AND GOVERNMENT

- (1) The physical condition or use of any premises regarded as a public nuisance at common law.
 - (2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.
 - (3) Any premises which have unsanitary sewerage or plumbing facilities.
 - (4) Any premises designated as unfit or unsafe for human habitation.
 - (5) Any premises which are manifestly capable of being a fire hazard or are manifestly unsafe or insecure as to endanger persons or property.
 - (6) Any premises from which plumbing, heating and/or sewer facilities have been removed or from which utilities have been permanently disconnected, destroyed, removed or rendered ineffective or the required precautions against trespassers have not been provided.
 - (7) Any premises which are unsanitary or which are littered with rubbish or garbage or which have uncontrolled growth of weeds.
 - (8) Public nuisance is defined in the Third Class City Code, §37320, "Definitions," as "any condition or usage whatsoever in or about the buildings, structures or land or the streets or private ways and places elsewhere, within the City, whether public or private, which the Board of Health shall find to be detrimental to the public health is hereby declared to be a public nuisance.
- C. To make all rules and regulations proper for the preservation or improvement of public health.
- D. To transmit to the State Department of Health all of its reports and publications and such other information regarding public health in the City as may be requested by the Department.
3. **Powers of the Board of Health.** (Based upon §37308, "Powers of the Board of Health," of the Third Class City Code).
 - A. To enter upon any premises whatsoever in the City as a body or by committee or by its agents or employees, which premises are suspected of infectious or contagious diseases or any other nuisance prejudicial to the public health or in danger of them for the purposes of examining the premises or of preventing, confining or abating nuisances.

- B. To conduct investigations and to hold public hearings in the performance of its duties and powers. The Board of Health may require the attendance of witnesses and their books and papers.

[Text continues on p. 245]

- C. To establish a sanitary police force for the enforcement of its rules and regulations whenever, in the opinion of the Board, a public health emergency exists in the City.
- D. To publish and enforce its rules and regulations.
- E. To provide for or cooperate in providing for general and gratuitous vaccination, disinfection and other public health control programs.
- F. To prevent, abate or remove conditions found by it to be detrimental to the public health as public nuisances or to declare such conditions and the premises or ways or places harboring them to be public nuisances.

4. Organization.

- A. Each member of the Board of Health shall take an oath of office. The term of each member shall be for 5 years.
- B. The Board shall elect a president annually from among the members. Duties of the President:
 - (1) Preside at all meetings of the Board.
 - (2) See that all orders of the Board are carried out.
 - (3) Report to City Council.
- C. The Board shall appoint a secretary who is not a Board member. Duties of the Secretary:
 - (1) Keep the minutes of the proceedings of the Board.
 - (2) Prepare, under the directions of the Board, the annual report to Council.
 - (3) Assist the City Health Officer in the preparation of reports to the State Department of Health as are required by law or by rule or regulation of the Department. An annual report of the Local Board of Health must be submitted to the local State office.
 - (4) Prepare any other reports and perform such other duties as are required of him by law or the Board of Health.
- D. A quorum for the purpose of holding any meeting of the Board shall be at least 50% or more of the membership.
- E. Other advisors to the Board of Health shall be the following:

ADMINISTRATION AND GOVERNMENT

- (1) Under §1-171 of the Administrative Code, City Health Officer, the City of Reading shall have a City Health Officer appointed by the Mayor. The Health Officer shall advise the Director of Community Development and shall attend all Board of Health meetings in an advisory capacity.
 - F. Regular meetings of the Board of Health shall be scheduled on a monthly basis on the first Wednesday of each month. All items to go before the Board shall be submitted to the Director of Community Development by 4:00 p.m. of the preceding Wednesday. If no items are submitted by this time, the meeting will not be held.
 - (1) An agenda for the regularly scheduled meeting shall be distributed to all Board members and attendees on the Friday preceding the meeting.
 - (2) In addition to the Board members, the following persons shall attend the meetings; City Health Officer, Code Inspector for the premises in question, Code Division Administrator and the Director of Community Development or his designee.
 - (3) The list of regularly scheduled monthly meetings for the upcoming year will be published in the newspaper in December.
 - G. If an emergency is declared by the President of the Board of Health, he may call an emergency meeting:
 - (1) An emergency would include damage to a structure due to fire which endangers the public, the existence of a condition which would immediately endanger public health or the development of any other serious situation in which the President believes that action by the Board of Health is necessary for public safety.
 - (2) Twenty-four hour notice of an emergency meeting must be given to the public.
 - H. All meetings will be open to the general public.
- (Ord. 36-1996, 11/12/1996, Exhibit A)

C. Human Relations Commission; Discrimination.⁷⁹

§1-521. Legislative Findings and Declaration of Policy.

1. Legislative Findings.

- A. The population of the City consists of people of many races, colors, religions, ancestries, national origins, ages, sex and familial status. Some suffer from handicaps. Others have previously filed charges of discrimination with the Commission of Human Relations or a similar State or Federal agency. Some of these citizens, for one or more of the above mentioned reasons, are discriminated against in employment opportunities, places of business, public accommodations, resort, recreation and amusement, housing facilities and the obtaining of loans and the extending of credit for housing accommodations.
- B. Discrimination because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous opposition to individual discriminatory practices is contrary to the constitutions, laws and policies of the Commonwealth of Pennsylvania and the United States of America.
- C. Discrimination in employment prevents the gainful employment of segments of the residents of the City, tends to impair the City's productive capacity, reduces the public revenues, imposes substantial financial burden upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions which breed crime, vice, juvenile delinquency and disease, and is detrimental to the public safety, economic growth and general welfare of the City.
- D. Discrimination in housing results in overcrowded, segregated areas with substandard, unsafe and unsanitary living conditions, which cause increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fire, intergroup tensions and other evils, all of which increase the cost of government and reduce the public revenues, and result in injury to the public safety, health and welfare of the City.
- E. Discrimination in places of public accommodation, resort, recreation, amusement and places of business, causes humiliation, embarrassment and inconvenience to residents and visitors of the City, tends to create breaches of the peace, intergroup tensions and conflicts and similar evils, and is detrimental to the public safety, general welfare and economic growth of the City.

2. Declaration of Policy.

⁷⁹State Human Relations Act - see 43 P.S. §951 *et seq.*
Rental Housing Discrimination - see 35 P.S. §1680.402a.
Service Uniform Discrimination - see 18 Pa.C.S.A. §7323.

ADMINISTRATION AND GOVERNMENT

- A. It is hereby declared to be the policy of the City, in the exercise of its powers for the protection of the public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the City's trade, commerce and manufacture, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the City and to insure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.
- B. To accomplish these goals, it shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination in employment, housing and places of business, public accommodation, resort, recreation or amusement.

(Ord. 6-2002, 3/13/2002)

§1-522. Scope.

This Part applies to discriminatory practices including, but not limited to, discrimination in employment, housing and public accommodations, including places of business, which occur within the territorial limits of the City and to employment, contracted for, performed or to be performed within these limits, and to housing accommodations and places of business, public accommodation, resort, recreation and amusement located within the territorial limits of the City.

(Ord. 6-2002, 3/13/2002)

§1-523. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from context:

ACCESSIBLE - with respect to covered multifamily dwellings that the public or common use areas of the building can be approached, entered and used by persons with individual handicaps.

AGE - includes any person 40 and above and shall also include any other person so protected by further amendment to the Federal Age Discrimination in the Employment Act.

AGGRIEVED PERSON - such person or persons who believe that they have been injured or will be injured by a discriminatory employment, housing or public accommodations act or practice that has occurred or is about to occur.

COMMISSION - the Commission of Human Relations established in the office of the Mayor of the City by this Part.

DISCRIMINATE and **DISCRIMINATION** - includes any difference in treatment based on race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

DISCRIMINATORY HOUSING PRACTICE - an act that is either unlawful under the provisions of this Part or is unlawful under §§804, 805, 806 or 818 of the Federal Fair Housing Act, or §§955 or 955(h) of the Pennsylvania Human Relations Act.

EMPLOYER - any person who employs five or more employees, exclusive of the parents, spouse or children of such person, including the City, its department, boards, commissions and authorities, and any other governmental agency within its jurisdiction. The term "employer," with respect to discriminatory practices based on a class protected under this Part, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons in the City.

EMPLOYMENT AGENCY - any person regularly undertaking, with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.

FAMILIAL STATUS - one or more individuals, who have not obtained the age of 18 years being domiciled with:

- A. A parent or another person having legal custody of such individual or individuals.
- B. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
- C. Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FEDERAL FAIR HOUSING ACT - Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3600-3620.

HANDICAP - with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of having such an impairment; or being regarded as having such an impairment.

HOUSING ACCOMMODATION - any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a resident by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

LABOR ORGANIZATION - any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms of conditions of employment, or of other mutual aid or protection in relation to employment.

LENDING INSTITUTION - any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.

NONJOB RELATED HANDICAP or DISABILITY - any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in, or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related.

OWNER - includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having equitable or security interest in any housing accommodation, including the City and its departments, boards, commissions and authorities.

PENNSYLVANIA HUMAN RELATIONS ACT - the Act of 1955, October 27, P.L. 744, No. 222, §1, as amended, 43 P.S. §951 *et seq.*

PERSON - any individual, partnership, corporation, labor organization or other organization or association including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. The term "person," as applied to partnerships or other organizations or associations, includes their members, and as applied to corporations, includes their officers.

PUBLIC ACCOMMODATION, RESORT or AMUSEMENT - any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public including, but not limited to, inns, taverns, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or consumption on the premises; bars, stores, parks or anywhere that liquor is sold; ice cream parlors, soda fountains and all stores where beverages of any kind are sold for consumption on the premises; drug stores, clinics, hospitals, swimming pools; barber shops, beauty parlors; retail stores; theaters, movie houses; race courses, skating rinks, amusement, recreation parks and fairs; bowling alleys, gymnasiums, shooting galleries and billiard and pool halls; public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all education institutions under the supervision of this City; nonsectarian

cemeteries; garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof; financial institutions; and all City facilities and services including such facilities and services of all political subdivisions thereof; but shall not include any accommodations which are in the nature distinctly private.

REAL ESTATE BROKER - any natural person, partnership, corporation or other association which for a fee or other valuable consideration manages, sells, purchases, exchanges or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of, the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or holds itself out as engaged in the business of managing, selling purchasing, exchanging or renting the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another or collects rent for the use of the real property of another, and includes real estate salesmen or agents or any other person employed by real estate broker to perform or to assist in the performance of his business.

(Ord. 6-2002, 3/13/2002)

§1-524. Human Relations Commission.

1. There is hereby established in the City of Reading, under the supervision of the managing director, a Human Relations Commission to administer, implement and enforce the provisions of this Part.
2. The Commission shall consist of nine members each to be appointed by the Mayor for a 4 year term. Commissioners may be reappointed to successive terms of office. Each member of the Commission shall continue to serve after his term until his successor has been appointed and qualified. Vacant seats on the Commission shall be filled within 90 days.
3. The Commission shall elect one of its members as chairman and may elect such other officers as it may deem necessary. The Chairman may, with the approval of the Commission, appoint such committees as may be necessary to carry out the powers and duties of the Commission, and the Commission may authorize such committees to take any necessary action for the Commission.
4. The Commission shall adopt such rules and regulations for its own organization, operations and procedures as the Commission shall deem necessary to administer, implement and enforce this Part.
5. The Commission shall hold at least eight meetings during each calendar year. Five members of the Commission shall constitute a quorum for the transaction of business,

ADMINISTRATION AND GOVERNMENT

and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission.

6. The members of the Commission shall serve without compensation but upon resolution of Council, they may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by Council.
7. In the event no Commissioner shall be able and available to exercise any of the powers or fulfill any of the duties of the Commission as set forth in §1-525, the Mayor may appoint one or more Commissioners temporarily to assume the powers and/or fulfill the duties of the Commission. Such appointment may be limited in duration of term and in scope of the power and duties of any Commissioner so appointed.

(*Ord. 6-2002, 3/13/2002*)

§1-525. Powers and Duties of Commission.

The Human Relations Commission shall have the power and it shall be its duty to:

- A. Initiate, receive, investigate and seek the satisfactory adjustment of complaints charging unlawful practices, as set forth in this Part.
- B. Issue subpoenas for persons and for documents which may be necessary to properly investigate a complaint of discrimination filed pursuant to this Part. Commissioners may not be subpoenaed to testify, nor may a Commissioner be deposed or otherwise interrogated with respect to any action taken on behalf of the Commission. Any complaint filed under this subsection which the Commission believes may constitute a violation of a law of the United States of America or the Commonwealth of Pennsylvania may be certified to the City Solicitor for such actions as he may deem proper.
- C. Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require the production of evidence relating to any matter under investigation or any question before the Commission, make findings of fact, issue orders and publish such findings of fact and orders and do all other things necessary and proper for the enforcement of this Part.
- D. In the performance of its duties, the Commission may cooperate with and, if appropriate, contact interested citizens, private agencies and agencies of the Federal, State and local governments, and enter into such agreements as may be necessary to formalize such relationships.
- E. Request staff, provided by the City to the Human Relations Commission, other departments, boards and commissions of the City government to assist in the

performance of its duties, and such other departments, boards and commissions shall cooperate fully with the Commission.

- F. Hold investigative hearings upon request by Council in cases of racial tension and/or discrimination.
- G. Assist in the enforcement of fair practices in City contracts.
- H. Render, from time to time, a written report of its activities and recommendations to the Mayor and Council.
- I. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Part. Such rules and regulations shall be in writing and be made available to parties upon request.

(*Ord. 6-2002, 3/13/2002*)

§1-526. Unlawful Employment Practices.

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, by the Commonwealth of Pennsylvania, or by any political subdivision of the Commonwealth having jurisdiction in the City, or where based upon a bona fide occupational qualification:

- A. For any employment to refuse to hire any person or otherwise, to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry national origin, age, sex, familial status, nonjob related handicap, or previous filing of a complaint of discrimination.
- B. For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- C. For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny or to withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, and on the job training program or any other occupational training program because of race, color, religion, ancestry,

ADMINISTRATION AND GOVERNMENT

national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.

- D. For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, national origin, age, sex, familial status, nonjob related handicap, or previous filing of a complaint of discrimination, except when necessary to affirmatively promote minority hiring or promotion.
- E. For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- F. For any employment agency to fail or refuse to classify properly or refer to employment or otherwise to discriminate against any person because of race, color, religion, ancestry, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- G. For any employer to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Part, to any employment agency, employment service, labor organization, training school, training center or any other employee referring source which serves persons who are predominantly of the same race, color, religion, ancestry, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- H. For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect this status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination.
- I. For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this Part or because he had made a complaint or testified or assisted in any manner in any investigation or proceeding under this Part or a substantially similar State and/or Federal law.
- J. For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be unlawful employment practice by this Part or to obstruct or prevent any person from enforcing or complying with the provisions of this Part or any

rule, regulation or order of the Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful employment practice.

- K. Notwithstanding any provision of this Section, it shall not be an unlawful employment practice for a religious corporation or association to hire or employ any person on the basis of the sex or religion of that person in those certain instances where sex or religion is a bona fide occupational qualification because of the religious beliefs, practices or observances of the corporation or association.

(Ord. 6-2002, 3/13/2002)

§1-527. Unlawful Housing Practices.

It shall be an unlawful housing practice except as otherwise provided in this Section:

- A. For an owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation to any person, or to represent that any housing accommodation is not available for any inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise make unavailable any housing accommodation from any person because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person), or previous filing of a complaint of discrimination, or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation or housing accommodations.
- B. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing accommodation any clause, condition or restriction discriminating against, or requiring any other person to discriminate against, any person in the use or occupancy of such housing accommodation because of race, color, religion, ancestry, national origin, age or sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.
- C. For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any housing accommodation because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after

ADMINISTRATION AND GOVERNMENT

it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.

D. For any person to:

- (1) Refuse to permit, at the expense of the handicapped person, the making of reasonable modifications to the existing premises occupied or to be occupied if such modifications may be necessary to afford the handicapped person full enjoyment of the premises, except that, in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for the requested modification on the renter's agreement to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear excepted.
- (2) Refuse to make reasonable accommodations with respect to the rules, policies, practices or services as necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

E. For any person to fail, in connection with the design and construction of multifamily dwellings covered under the provisions of the Federal Fair Housing Act, and after March 13, 1991, to design and construct dwellings in such a manner that such dwellings are not accessible within the meaning of the Federal Housing Act.

F. The dwellings have at least one building entrance on an accessible re-route, unless it is impractical to do so because of the terrain or unusual characteristics of the site:

- (1) With respect to a dwelling with a building entrance on an accessible route:
 - (a) The public use and common portions of the dwellings are readily accessible and usable by handicapped persons.
 - (b) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs.
 - (c) All premises with covered multifamily dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. As used in this Section, the term "covered family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

- G. For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, national origin, age, sex, familial status or handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person).
- H. For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee thereof, regardless of whether application is made for financial assistance for the purchase, sale, lease, acquisition, brokering, appraisal, construction, rehabilitation, repair, maintenance or the purchasing of loans or providing other financial assistance for purchasing, constructing improving, repairing or maintaining a dwelling or secured by residential real estate of any housing accommodation or housing accommodations:
 - (1) To discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination of such person or group of persons or of the prospective occupants or tenants of such housing accommodation in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith.
 - (2) To use any form of application for such financial assistance or to make any record of inquiry in connection with application for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination.
- I. For any real estate broker or real estate salesman or agent, or any other person for business or economic purposes, to induce, directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to racial, religious or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located, or to communicate to any prospective purchaser or renter of a dwelling that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, sex, handicap, familial status or national origin.

ADMINISTRATION AND GOVERNMENT

- J. For any person to deny another access to, or membership or participation in a multiple listing service, real estate brokers organization, or other service because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.
- K. For any person, whether or not a real estate broker, real estate salesman or agent, owner or lending institution to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful housing practice under this Part, or to obstruct or prevent enforcement or compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful housing practice.
- L. For any person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this Part.
- M. For any person, based on the racial or ethnic composition of a community, neighborhood or development, or based on the characteristics of an individual or individuals which place such individual or individuals within a class protected by this Part, to discriminate with respect to the provision of municipal services or with respect to the provision of property, casualty, fire, hazard or other similar insurance.
- N. With respect to any property held for noncommercial purpose, nothing in this Section shall bar any religious or denomination, institution or organization or charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from limiting preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is reasonable for the organization to promote the religious or fraternal principles, aims or purposes for which such organization is established or maintained unless membership in such religious or denominational institution or organization or charitable or educational organization is restricted on account of race, color or national origin.

(Ord. 6-2002, 3/13/2002)

§1-528. Unlawful Lending Practices.

It shall be an unlawful lending practice for a lending institution:

- A. To deny, withhold, limit or otherwise discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination, in lending money or extending credit.
- B. To establish unequal terms or conditions in the contract for loans and mortgages, or other extensions of credit because of race, color, religion, ancestry, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.

(Ord. 6-2002, 3/13/2002)

§1-529. Unlawful Public Accommodation Practices.

It shall be an unlawful public accommodation practice:

- A. For any owner, lessor, proprietor, manager, agent or employer of any business or place of public accommodation, resort, recreation or amusement to:
 - (1) Refuse, withhold from or deny to any person because of his race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort or amusement.
 - (2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or that the patronage of any person of any particular race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination is unwelcome, objectionable or not acceptable, desired or solicited.

ADMINISTRATION AND GOVERNMENT

- B. For any person, whether or not included in this Section, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this subsection.

(Ord. 6-2002, 3/13/2002)

§1-530. Obstruction of Fair Practices.

It shall be unlawful for any person, whether or not within the named classifications set forth in this Part, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this Part, or to obstruct or prevent enforcement of compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission or to attempt, directly or indirectly, to be an unlawful practice.

(Ord. 6-2002, 3/13/2002)

§1-531. City Contracts.

1. All contracts of the City and its contracting agencies shall obligate the contractor to comply with this Part and with any State or Federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed thereunder, and shall require the contractor to include a similar provision in all subcontracts.
2. The Human Relations Commission shall promulgate rules and regulations for the processing of complaints of discrimination received under this Section.

(Ord. 6-2002, 3/13/2002)

§1-532. Procedure.

1. A complaint charging that any person has engaged, is engaging or will engage in any unlawful practice as set forth in this Part may be made by the Human Relations Commission, or to the Commission by an aggrieved person or by an organization which has one of its purposes the combating of discrimination for the promotion of equal opportunities, and any complaint may be amended by the complainant or the Commission at any time before final action has been taken by the Commission, in accordance with such rules and regulations as the Commission shall prescribe. No complaint shall be considered unless it is filed with the Commission within 180 days after the occurrence of the alleged unlawful practice.
2. The complaint shall be in writing, signed, verified and notarized and include the name and address of the person or persons alleged to have committed the unlawful practice

and the particulars thereof, and such other information as may be required by the Commission.

3. The Commission shall commence proceedings on any formal complaint within 30 days of the filing. The parties shall each receive promptly a copy of the complaint along with a concise statement of the procedural rights of such parties. The respondent shall be afforded the right to file an answer to such complaint within such time as not to delay the proceedings, but failure to file such answer shall not prevent the Commission from commencing its investigation as provided herein.
4. The Commission shall institute and complete the investigation of any formal complaint within 100 days of the filing of the formal complaint.
5. If, pursuant to its investigation, the Commission shall determine that there is no basis for the allegations in a complaint, the complaint shall be dismissed and the complainant and respondent notified in writing of such determination. Within 20 days from the receipt of such notice, the complainant or his attorney, if any, may file with the Commission a request for review and the Commission shall provide the parties and their attorneys an opportunity to appear before the Commission or a member thereof for such purpose. After such a review, the Commission may reverse its decision or, if the Commission or its representative determines that there is no basis for the allegation, the dismissal of the complaint shall be affirmed and there shall be no further review of such decision.
6. If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, it shall promptly notify the parties in writing and may attempt to eliminate the alleged unlawful practice by means of private conferences, meetings or conciliation with all parties. Any conciliation agreement arising from such efforts shall be in writing, signed by the parties or their representative, and shall be subject to the approval of the Commission. A conciliation agreement shall be made public unless the parties otherwise agree and the Commission determines that disclosure of the terms of the agreement is not required to further the purpose of this Part.
7. If the Commission determines that a housing accommodation or housing accommodations involved in a complaint of an unlawful housing practice under §1-527 may be sold, rented or otherwise disposed of before a determination of the case has been made, and the Commission believes that judicial action is necessary to effectuate the purpose of this Part, the Commission may request the City Solicitor to seek an injunction restraining the sale, rental or other disposition of the housing accommodation or housing accommodations in accordance with the provisions of §9.1 of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, added by Act No. 533, approved January 24, 1966, as hereafter amended, supplemented or modified by the General Assembly of Pennsylvania.
8. In any case of failure to eliminate the unlawful practice charged in the complaint by means of informal proceedings, or in advance thereof, if, in the judgment of the

ADMINISTRATION AND GOVERNMENT

Commission the facts so warrant, the Commission may hold a public hearing to determine whether or not an unlawful practice has been committed. Without holding such a hearing, the Commission may certify the case to the City Solicitor in accordance with subsection (7), hereof.

9. Where a public hearing is ordered, the Commission shall designate one or more members or a hearing examiner to conduct such a hearing. The Commission shall serve upon the person charged with having engaged or engaging in the unlawful practice hereinafter referred to as respondent a statement of the charges made in the complaint or amended complaint and a notice of the time and place of the hearing. In addition, the Commission shall provide the respondent with notice of procedural rights and obligations. The hearing shall be held not less than 20 days after the service of the statement of charges.
10. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney or, subject to the approval of the hearing panel, by any other person, and to examine and cross examine witnesses. The complainant shall also have the right to be represented by an attorney or, subject to the approval of the hearing panel, by any other person. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and shall be transcribed.
11. With respect to a complaint alleging an unlawful housing practice arising under §1-527, in lieu of proceeding before the Commission pursuant to this subsection, any party may elect, within 20 days of receipt of the charge, to have the claims contained in the charge decided in a civil action tried by a court of competent jurisdiction. The party making such election shall notify the Commission and all other interested parties within 10 days of making such election. The complainant shall be represented by an attorney in a civil action instituted pursuant to an election made under this subsection. Representation of the complainant shall be at the Commission's expense and such representation shall include presentation of the complainant's case at the public hearing.
12. Subsequent to the public hearing, a transcription of the testimony shall be ordered and, when completed, distributed to the Commissioners for review. Upon review, the Commissioners shall meet to discuss and decide the case. A vote by a majority of the Commissioners participating in the public hearing or designated as hearing Commissioners shall be necessary to find that the respondent has engaged in an unlawful practice. A decision shall be rendered within 45 days of the close of testimony or the final post hearing submission of the parties, if any.
13. If upon all the evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint. If upon all the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of this Part. Such order may require the respondent to cease and desist from

such unlawful practice and to take such affirmative action including, but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with such equal facilities, services and privileges, the tendering of money, whether or not secured by mortgages or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, the granting, permitting, selling or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgment of the Commission, shall effectuate the purposes of this Part and are warranted by the facts presented at the hearing, including a requirement for a report or reports of the manner of compliance. Compensatory damages may be awarded in appropriate circumstances for a violation of any of the provisions of §1-527. Copies of the order shall be served on all parties.

14. Any adjudication made by the Commission shall be in writing and dated, and shall be deemed to be a final adjudication 5 days after the date of issuance thereof. Parties shall have 30 days from the final adjudication to appeal the decision of the Commission to the Berks County Court of Common Pleas. An appeal from the Commission's order shall act as a supersedeas and stay enforcement of such order until a final disposition of the appeal.
15. The Commission shall make a final administrative disposition of a formal complaint within 1 year of the date of receipt of such complaint unless it is impracticable to do so. If the Commission is unable to dispose of the complaint within the time limitation set forth herein, it shall notify the parties in writing of such fact and the reasons therefor. Should the Commission fail to finally adjudicate or otherwise dispose of a formal complaint within the time limit of the filing thereof, any party may commence a civil action for the enforcement of this Part in an appropriate court of competent jurisdiction no later than 2 years after the occurrence or termination of the alleged discriminatory act or practice.
16. An aggrieved person may commence a civil action whether or not a complaint has been filed under this Section and without regard to the status of any such complaint. There shall be no need for a complainant to exhaust administrative remedies with respect to a complaint that could be brought under §1-527, so long as any action brought is commenced within 1 year of the alleged discriminatory housing practice. The court in which any such action is brought shall be empowered, in appropriate circumstances, to award compensatory and punitive damages as well as equitable relief. However, if the Commission has obtained a conciliation agreement with the consent of the aggrieved person, no action may be filed by such aggrieved person with respect to the discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such agreement.

ADMINISTRATION AND GOVERNMENT

(Ord. 6-2002, 3/13/2002)

§1-533. Enforcement.

In the event the respondent refuses or fails to comply with any order of the Human Relations Commission or violates any of the provisions of this Part, the Commission shall certify the case and the entire record of its proceedings to the City Solicitor, who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties set forth in §1-534, or both.

(Ord. 6-2002, 3/13/2002)

§1-534. Penalty.

1. In addition to any other remedies provided herein, upon a finding of a violation of any provision of this Part relating to unlawful discriminatory housing practices, or any rule or regulation pertaining thereto adopted by the Human Relations Commission, or any order of the Commission, shall be subject to a civil penalty of not more than:
 - A. Ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice in any administrative hearing or civil action permitted under the Fair Housing Act or any State or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, State or local governmental agency.
 - B. Twenty-five thousand dollars if the respondent has been adjudged to have committed one other discriminatory housing practice in any forum set forth in subsection (A), hereof.
 - C. Fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices in any forum set forth in subsection (A), hereof.
2. Respondent shall also be responsible for costs and shall be subject to imprisonment for not more than 1 year. The Commission, in its discretion, may allow the prevailing party other than the Commission a reasonable attorney's fee and costs. Monetary awards may be given under appropriate circumstances the amount of which shall be based on the record made before the Commission and may include damages caused by humiliation and embarrassment.

(Ord. 6-2002, 3/13/2002)

D. Vacant Property Review Committee.⁸⁰

§1-541. Short Title.

This Part shall be known as and may be cited as the "Vacant Property Review Committee Ordinance."

(Ord. 7-1986, 1/29/1986, §1)

§1-542. Purpose.

The purpose of these provisions is to establish a Vacant Property Review Committee of the City of Reading to implement provisions of the Urban Redevelopment Law of 1945, as amended by Act 94 of 1978, 35 P.S. §1701 *et seq.* and to promote reuse of and reinvestment in properties in the City of Reading.

(Ord. 7-1986, 1/29/1986, §2)

§1-543. Creation, Members, Term and Expenditures.

There is hereby established a Vacant Property Review Committee.

- A. **Membership.** The Committee shall be composed of not more than five members, who shall serve without compensation. The Committee shall include at least one member of Council, a representative of the Redevelopment Authority, a representative of the Planning Commission, a representative to be designated by the Mayor, and a representative of the Property Improvement Division of the City of Reading. Members shall be appointed by the Mayor with approval of Council.
- B. **Terms.** The term of each member shall be for a period of 2 years and until his successor is appointed. A member may be reappointed upon expiration of his/her term. The position of any member of the Committee appointed in his or her capacity as a member of Council, a representative of the Redevelopment Authority, a representative of the Planning Commission, a representative designated by the Mayor, or a representative of the Property Improvement Division of the City of Reading who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
- C. **Organization.** The Committee shall establish its own bylaws, establish offices, and elect officers from its own membership. For the conduct of any meeting and

⁸⁰Blighted Property Removal - see 35 P.S. §1712.1.

ADMINISTRATION AND GOVERNMENT

the taking of any action, a quorum shall be not less than a majority of the Committee as a whole. Any action taken at any meeting shall require the affirmative vote of a majority of the Committee as a whole. No member of the Committee shall be permitted to take part in the discussion or vote on any property in which such member has any financial interest, direct or indirect. The Committee shall keep full public records of its business and shall submit a report of its activities to Council at least once a year.

- D. **Removal of Members.** Any Committee member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Council taken after the member has received 15 days advance notice of the intent to take such vote.
- E. **Expenditures for Services.** Council may appropriate funds for legal, secretarial, clerk, consultant and other technical assistance required to achieve the aims of this Part. Committee members shall serve without compensation except that Council may reimburse Committee members for expenses incurred in the performance of their duties.

(*Ord. 7-1986, 1/29/1986, §3; as amended by Ord. 14-2001, 5/29/2001*)

§1-544. Definitions.

For the purposes of this Part, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory and not directory. The word "used" includes "designated, intended, built or arranged to be used."

BLIGHTED PROPERTY - shall include:

- (1) Any premises which because of physical condition or use is regarded as a public nuisance or has been declared a public nuisance in accordance with the Third Class City Code or the local housing, building, plumbing, fire and related codes.
- (2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- (3) Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the Housing Code of the City of Reading has been designated by the department

responsible for enforcement of the Housing Code as unfit for human habitation.

- (4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.
- (5) Any structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.
- (6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.
- (7) Any unoccupied property which has been tax delinquent for a period of 2 years prior to the effective date of this Section, and those in the future having a 2 year tax delinquency.
- (8) Any property which is vacant but not tax delinquent, which has not been rehabilitated within 1 year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

CITY - the City of Reading.

COUNCIL - the legislative body of the City of Reading, composed of the Mayor and four Councilmen.

CODE - the Health, Housing, Building, Fire, Electrical, Plumbing or other related code of the City of Reading.

COMMISSION - the Reading Planning Commission.

COMMITTEE - the Vacant Property Review Committee.

GOVERNING BODY - the City Council of the City of Reading.

PUBLIC NUISANCE or NUISANCE - any condition or usage whatsoever in or about buildings, structures or land or the streets or private ways and places, or elsewhere, within the City, whether public or private, which is found to be detrimental to the public health as determined by the Committee.

REDEVELOPMENT AREA - any area, whether improved or unimproved, which the Planning Commission may find to be blighted so as to require development.

ADMINISTRATION AND GOVERNMENT

REDEVELOPMENT AREA PLAN - a plan for the redevelopment of all or part of a redevelopment area made by a Planning Commission.

REDEVELOPMENT AUTHORITY - the Redevelopment Authority of the City of Reading.

REDEVELOPMENT PROPOSAL - a proposal, including a copy of the redevelopment area plan and supporting data, submitted for approval to the governing body by an authority for the redevelopment of all or part of a redevelopment area.

RESIDENTIAL and RELATED USE - includes residential property for sale or rental and related uses including, but not limited to, park and recreation areas, neighborhood community services, and neighborhood parking lots.

(Ord. 7-1986, 1/29/1986, §4)

§1-545. Blighted Property Removal.

Notwithstanding any other provision of law, the Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined herein, either within or outside of a redevelopment area and, further, shall have the power to hold, clear, manage, lease and/or dispose of such property for residential and related uses. This power shall be exercised in accord with the procedures set forth hereinafter.

(Ord. 7-1986, 1/29/1986, §4)

§1-546. Restrictions.

The Vacant Property Review Committee and the Planning Commission, upon making a determination that any property is blighted as defined in §1-544, shall certify such blighted property to the Redevelopment Authority except that:

- A. No property shall be certified to the Redevelopment Authority unless it is vacant.
- B. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation. The notice shall be served upon the owner or his agent in accord with the provisions of the Third Class City Code pertaining to abatement of public nuisances. The owner or his agent shall have the right of appeal from the

determination in the same manner as an appeal from the determination of public nuisance:

- (1) **Procedure.** Whenever the Committee shall determine, after such examination, investigation or hearing as shall suffice to inform its judgment, that a public nuisance exists or is about to exist, it may order the nuisance to be removed, abated, suspended, altered or otherwise prevented or avoided. Notice of such order, bearing the official title of the Committee and the number of days for compliance therewith and the alternative remedy of the Committee in the case of noncompliance, shall be served upon the person, if any, whom the Committee deems responsible therefor, or concerned therein, and upon the owner or abutting owner of the land, premises or other places whereon such a nuisance is or is about to be, if any. In case no such party or parties can be discovered by the Committee, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least 10 days.
- (2) **Contents of notice.** The notice of the Committee's order shall clearly specify:
 - (a) The place and manner of the nuisance or anticipated nuisance as determined by the Committee.
 - (b) The nature or condition thereof.
 - (c) The Committee's order with respect to the nuisance or anticipated nuisance.
 - (d) The names of the persons found by the Committee to be responsible therefor or concerned therewith and the name of the owner, if any, of the land or premises involved.
 - (e) The date of the Committee's order and the number of days therefrom allowed for compliance with it.
 - (f) The alternative remedy of the Committee in case of noncompliance.
 - (g) Notice that the persons affected thereby may apply, within the time set for compliance with the order, to the Committee for a hearing, and may request such stay of execution or modification or recession of the order as they shall believe just and proper.
 - (h) The signature of the President of the Committee, attested by the Secretary.

- (3) **Hearing and Disposition.** If any person affected thereby shall apply for a hearing within the time provided, the Committee shall promptly notify all interested parties of the time and place of the hearing. The Committee shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing and thereafter may rescind, modify or reaffirm its order and require execution of the original or of a new or modified order, as it shall determine and direct. The persons affected shall be notified of the Committee's final order, and within 10 days from the mailing of such notice may appeal therefrom to the court of common pleas, which appeal may operate as a supersedeas if the court, upon proper cause shown, so orders, and provided the appellants post bond, approved by the court, for the use of the City, with sufficient surety to cover all the expense and costs of executing the Committee's order.
- C. No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the Committee.
- D. No single vacant lot or parcel of ground shall be certified to the Redevelopment Authority on which more than 10 dwelling units can be constructed under existing zoning regulations.

(Ord. 7-1986, 1/29/1986, §5)

§1-547. Reuse of Acquired Property.

1. Acquisition and disposition of blighted property shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least 30 days prior to acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Planning Commission certifies that disposition for residential or related use would not be in accord with the Master Plan of the City of Reading.
2. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of the Urban Redevelopment Law.
3. Property disposed of outside a redevelopment area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

4. Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedures set forth in the Act of June 22, 1964, known as the Eminent Domain Code, as amended, 26 P.S. §1-101 *et seq.*

(*Ord. 7-1986, 1/29/1986, §7*)

§1-548. Conflict with Other Laws.

Should any provision set forth in this Part be found to conflict with any law of the United States or of the Commonwealth of Pennsylvania, such Federal and/or State laws shall govern and this Part shall be construed accordingly. Such conflict shall not affect the validity of the Part.

(*Ord. 7-1986, 1/29/1986, §9*)

E. Citizens Advisory Board (CAB).⁸¹

§1-551. Creation and Name.

Council hereby establishes and creates a Citizens Advisory Board to be known and referred to herein as the CAB.

(*Ord. 48-1981, 9/16/1981, §1*)

§1-552. Purpose and Functions.

1. The purpose of the CAB is to advise the Mayor and Council on City-wide policies and plans as they relate to the community development and overall economic development programs as well as assisting in an advisory capacity with any other community issues or programs which the Mayor and Council deem citizen participation necessary and beneficial.
2. The CAB shall formally replace the Mayor's Policy Advisory Board established by *Res. 79-1974* in conjunction with the Reading Model Cities Program.

(*Ord. 48-1981, 9/16/1981, §2*)

§1-553. Membership.

1. The CAB shall consist of 15 voting members all of whom shall be residents of the City.
2. The Board shall maintain a broad-based representation reflecting the overall population of the City.
3. All Board members shall be appointed to the committee by the Mayor and Council with consideration being given to nominees recommended by the overall Board membership. Final responsibility of dismissing Board members shall lie with Council in accordance with subsection (8) hereof.
4. The term of each member shall be for a period of 3 years excepting those staggered terms hereinafter provided at the inception of the Advisory Board.
5. Each member shall continue to serve until a successor is duly appointed or until some other formal action is taken by Council.
6. Members may be reappointed upon expiration of their terms.

⁸¹Open Meeting Law - see Act of June 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §271 *et seq.*

ADMINISTRATION AND GOVERNMENT

7. A quorum of no less than eight members shall be necessary to make any formal recommendations to the Mayor and Council.
8. Any member absent from three consecutive regularly scheduled meetings shall be recommended to Council for formal dismissal.

(*Ord. 48-1981, 9/16/1981, §3*)

§1-554. Meetings.

All CAB meetings shall adhere to State regulations as defined in the Act of June 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act," 53 P.S. §271 *et seq.*

(*Ord. 48-1981, 9/16/1981, §4; as amended by Ord. 14-2001, 5//29/2001*)

§1-555. Organizational Procedures.

1. The CAB shall hold annual elections to select Board officers including a President, Vice President and Secretary.
2. Parliamentary procedures shall be governed by Robert's Rules of Order.
3. The CAB may adopt organizational bylaws consistent with the provisions detailed in this Part.

(*Ord. 48-1981, 9/16/1981, §5*)

F. Penn Square Commission.

§1-561. Creation and Name.

There is hereby created, pursuant to the provisions of the Third Class City Code, to be known as "The Penn Square Commission of the City of Reading" hereinafter referred to as "Commission."

(*Ord. 10-1975, 3/19/1975, §1; as amended by Ord. 17-1975, 4/23/1975, §1; as amended by Ord. 14-2001, 5/29/2001*)

§1-562. Purpose.

The purpose of the Penn Square Commission is to organize, promote and give direction to the efforts of both private and public organizations interested in fostering the civic, social, cultural and economic development within the City's new public commons in its downtown area; and to renew, preserve and enhance the economic and aesthetic value of the City's central business district.

(*Ord. 10-1975, 3/19/1975, §2; as amended by Ord. 17-1975, 4/23/1975, §1; and by Ord. 14-2001, 5/29/2001*)

§1-563. Powers and Duties.

1. The Penn Square Commission shall administer and supervise the use, operation and maintenance of Penn Square, Market Square and such other public spaces as may be designated by resolution of Council. The powers and duties of the Commission shall include, without limiting the generality of the foregoing, the establishment of use, operation and maintenance policies; the promotion of activities; solicitation of funds; the procurement and scheduling of all programs and events; the issuance of use permits; the establishment of a schedule of rental rates and charges; and the establishment of rules of conduct and safety. Provided, however, any leases or contracts in excess of one year shall be subject to the approval of Council.
2. The Commission, within the annual budgetary appropriations established by Council, may employ such persons and make such expenditures as may be necessary for the conduct of all business within its jurisdiction. Any such persons employed by the Commission shall be subject to the wages, hours and conditions of employment as established by Council. The Commission shall submit to Council, not later than October 1 of each year, its recommendations for the budgetary appropriations, the personnel complement, and the wage and salary classifications within its jurisdiction for the succeeding year. The Commission shall make an annual report to Council in December of each year on the operations of the Commission.

ADMINISTRATION AND GOVERNMENT

(*Ord. 10-1975, 3/19/1975, §3; as amended by Ord. 17-1975, 4/23/1975, §1; as amended by Ord. 14-2001, 5/29/2001*)

§1-564. Membership.

Membership on the Penn Square Commission shall consist of 11 residents and/or business persons engaged in business in Downtown Reading, at least six of whom shall be residents of the City. At least five such members, if available, shall be members of the Reading Market Association (R.M.A.) or equivalent downtown business organization. At least one such member, if available, shall be a representative of the Chamber of Commerce of Reading and Berks County. All members of the Commission shall be appointed by the Mayor with the approval of Council.

(*Ord. 10-1975, 3/19/1975, §4; as amended by Ord. 17-1975, 4/23/1975, §1; by Ord. 22-1978, 5/31/1978, §1; by Ord. 28-1988, 3/30/1988, §1; and by Ord. 14-2001, 5/29/2001*)

§1-565. Term of Office.

The initial appointment of members serving on the Penn Square Commission shall consist of three members appointed for a term of 1 year, two of whom shall be representatives of the Chamber of Commerce of Reading and Berks County and Downtown Association of Reading Endeavors; two members appointed for a term of 2 years; and two members appointed for a term of 3 years. Thereafter, the representatives from the Chamber of Commerce of Reading and Berks County shall be appointed on an annual basis for 1 year and the remaining 10 members shall be appointed for a term of 2 years and shall serve until their successors are appointed. Any vacancy occurring other than by expiration of term shall be filled by appointment for the unexpired term in the manner as provided herein for original appointments.

(*Ord. 10-1975, 3/19/1975, §5; as amended by Ord. 17-1975, 4/23/1975, §1; by Ord. 6-1977, 2/2/1977, §1; by Ord. 22-1978, 5/31/1978, §2; and by Ord. 14-2001, 5/29/2001*)

§1-566. Compensation.

The members of the Penn Square Commission shall serve without compensation.

(*Ord. 10-1975, 3/19/1975, §6; as amended by Ord. 17-1975, 4/23/1975, §1; and by Ord. 14-2001, 5/29/2001*)

§1-567. Conduct of Business.

The members of the Penn Square Commission shall elect their own chairman and Secretary and shall select all other officers necessary to conduct business, to serve for a term not exceeding

the term of their appointment. The Commission shall adopt rules and regulations for its internal organization and procedure and for the conduct of all business within its jurisdiction. The Commission in its discretion may appoint persons to act as advisors to sub-committees appointed by the Commission.

(*Ord. 10-1975, 3/19/1975, §7; as amended by Ord. 17-1975, 4/23/1975, §1; as amended by Ord. 14-2001, 5/29/2001*)

§1-568. Indemnification.

The City shall indemnify and save harmless any officer, director or member of the Penn Square Commission from and against any claims or liabilities (including reasonable attorney fees) on any judgment, decree, fine or penalties imposed on him for any act or omission committed or incurred while acting as such, and reimburse him for all legal and other expenses reasonably incurred by him in defense thereof, at such terms as provided by governing law; provided that there shall be no obligation to reimburse, partially or wholly, such persons for claims or liabilities determined by a court to have constituted willful misconduct or recklessness.

(*Ord. 10-1975, 3/19/1975; as added by Ord. 28-1988, 3/30/1988, §2; as amended by Ord. 14-2001, 5/29/2001*)

G. Planning Commission.⁸²

§1-571. Creation of Commission.

A City Planning Commission to be composed of seven members, appointed as provided by law (53 P.S. §10202), is hereby created in and for the City. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon City planning agencies; provided, the Planning Commission previously created in and for the said City shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing City planning commissions in effect at the time of the happening of the said vacancy.

(*Ord. 46a-1914, 2/18/1914; as revised by Ord. 14-2001, 5//29/2001*)

⁸² Authority to Establish - see Pennsylvania Municipalities Planning Code §201 (53 P.S. §10201).

General Provisions - see Pennsylvania Municipalities Planning Code §202 *et seq.* (53 P.S. §10202 *et seq.*)

Powers and Duties - see Pennsylvania Municipalities Planning Code §209.1. (53 P.S. §10209.1.)

Subdivision and Land Development Ordinance Recommendations - see Pennsylvania Municipalities Planning Code §504 *et seq.* (53 P.S. §105.04 *et seq.*)

Plat Approval - see Pennsylvania Municipalities Planning Code §508. (53 P.S. §10508)

Preparation of Zoning Ordinance - see Pennsylvania Municipalities Planning Code §607. (53 P.S. §10607.)

Zoning Ordinance Amendment Recommendations - see Pennsylvania Municipalities Planning Code §609. (53 P.S. §10609.)

H. Planning Division of the Department of Community Development.

§1-581. Establishment of Division.

There is hereby established in the Department of Community Development of the City of Reading, the Division of Planning.

(*Ord. 25-1961*, 10/4/1961, §1; as amended by *Ord. 15-1968*, 3/13/1968, §1; as amended by *Ord. 14-2001*, 5/29/2001)

§1-582. Office of the Planning Division Manager.

There is hereby established the Office of the Planning Division Manager who shall serve as the Planning Coordinator of the City of Reading.

(*Ord. 25-1961*, 10/4/1961, §2; as amended by *Ord. 15-1968*, 3/13/1968, §1; and *Ord. 7-1966*, 2/23/1966, §2; and by *Ord. 14-2001*, 5/29/2001)

§1-583. Duties.

The duty and responsibility of the Planning Division Manager shall be as follows:

- A. To provide such technical planning services as the City shall require.
- B. To provide such technical planning services as shall be required by any authority of the City, commission, board or department of the City.
- C. To report to the Mayor and members of Council the progress and status of projects undertaken by all authorities heretofore or hereafter established by the City shall have their various programs coordinated in relation to the overall planning and development of the City.
- D. To attend all meetings of the Planning Commission of the City and to advise and inform said Planning Commission of the progress and status of all projects of the City or any of the Authorities with reference to planning and municipal development.
- E. To be responsible for reviewing and coordinating all State and Federal Applications for technical assistance necessary in carrying out the City's planning and improvement programs. [*Ord. 7-1966*]

ADMINISTRATION AND GOVERNMENT

- F. To service as Director of any City authority, commission as amended by *Ord. 6-2002*, 3/13/2002, §C) or committee if requested to do so by the Mayor and members of Council. [*Ord. 7-1966*]
- G. At the time of his appointment, he need not be a resident of the City or the Commonwealth of Pennsylvania, but during his tenure of office he may reside outside the City only with the approval of Council. [*Ord. 10-1966*]

(*Ord. 25-1961*, 10/4/1961, §4; as amended by *Ord. 15-1968*, 3/13/1968, §1; by *Ord. 7-1966*, 2/23/1966, §1; by *Ord. 10-1966*, 3/2/1966, §1; and by *Ord. 14-2001*, 5/29/2001)

§1-584. Additional Staff.

The Planning Division shall, maintain and have such planning staff as Council hereinafter direct.

(*Ord. 25-1961*, 10/4/1961, §7; as amended by *Ord. 14-2001*, 5/29/2001)

I. GPU Stadium Commission.

§1-591. Creation and Members.

A GPU Stadium Commission (“Commission”) is hereby created which shall consist of seven qualified electors of the City of Reading (“City”) to serve as liaison between the “City” and the Reading Phillies organization.

(Ord. 2-2000, 2/28/2000, §1)

§1-592. Appointments and Vacancies.

The members of the Commission shall be appointed by the Mayor and confirmed (four affirmative votes) by Council. Two of the members first appointed under this Section shall serve for terms of 1 year, two for terms of 3 years, and three for terms of 5 years, respectively, from the date of the approval of this Section and until their respective successors have been duly appointed. Appointments of successors, in each case, will be for a period of 5 years. Any vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments.

(Ord. 2-2000, 2/28/2000, §2)

§1-593. Compensation.

Members of the Commission shall serve without compensation.

(Ord. 2-2000, 2/28/2000, §3)

§1-594. Officers and Procedural Rules.

The members of the Commission shall elect their own chairman and secretary and select all other necessary officers to serve for a period of 1 year. The Commission shall adopt rules and regulations for its internal organization and procedure and for the conduct of all business within its jurisdiction.

(Ord. 2-2000, 2/28/2000, §4)

§1-595. Powers and Duties.

1. The Commission, in cooperation with the City and the Reading Phillies Organization, shall supervise the operation of the GPU Stadium. The Commission will assist the City

ADMINISTRATION AND GOVERNMENT

and the Reading Phillies Organization in identifying the capital needs and repairs for the stadium, as listed in the revised and restated lease agreement dated October 25, 1999, "lease agreement." The Commission shall submit to the Public Works Director and City Council, no later than July 1 of each year, its recommendation for capital repairs and improvements to the stadium for inclusion in the City's operating budget and 5 year capital plan.

2. The lease agreement transfers the responsibility of the beer sales from the City and the prior Stadium Commission to the Reading Phillies Organization. The \$4,200 retained by the prior Stadium Commission to purchase beer products for the 2000 season shall be placed in an account titled "Stadium Capital." These monies will be expended for the capital repairs to the stadium as identified by the Commission and approved by the Public Works Operations Division Manager, as outlined in the lease agreement. This account will remain independent from all other City accounts and funds and will not be combined with the City's general fund at the end of any fiscal year. The City administration will appropriate a minimum of \$5,000 per year in this account for each fiscal year.
3. The Commission will supply a copy of all meeting minutes to the City Clerk and shall make an annual report to Council on the operations of the Commission.

(Ord. 2-2000, 2/28/2000, §5)

J. Building Inspector Civil Service Board.

§1-599.01. Definitions.

Unless otherwise expressly stated, the following words and phrases, wherever used in these rules and regulations, shall be construed to have the following respective meanings:

APPLICANT - a person who applies for employment in, or promotion to a position in, the electrical or engineering departments or to a position of building inspector of the City.

CITY COUNCIL - the City Council of the City of Reading, Pennsylvania.

CERTIFICATION - the submission to City Council of the names of applicants contained in the final eligibility list for the applicable position.

CHAIRPERSON - the chairperson of the Civil Service Board for Examination of Applicants for Appointment to any Position in the Engineering or Electrical Departments or to the Position of Building Inspector.

CIVIL SERVICE BOARD or BOARD - the Civil Service Board for Examination of Applicants for Appointment to any Position in the Engineering or Electrical Departments or to the Position of Building Inspector.

ELIGIBLE LIST - a list of names of the persons who have passed all of the required examinations for a particular position in the engineering or electrical departments or the position of building inspector.

SECRETARY - the Secretary of the Civil Service Board.

(Ord. 48-1996, 12/23/1996, §1)

§1-599.02. Civil Service Board.

1. **Officers.** The Civil Service Board shall elect one of its own members as chairperson and one as vice-chairperson at the first meeting of each year.
2. **Duties of the Chairperson.** The chairperson, or in his or her absence the vice-chairperson, shall preside at all meetings of the Board, decide all points of order or procedure, and perform any duties required by law or these rules.
3. **Appointment of Secretary.** The Board shall employ a secretary who, at the direction of the Board, shall carry out all official correspondence of the Board, send all notices required by law or by these rules and regulations, keep a record of each examination or

ADMINISTRATION AND GOVERNMENT

other official action of the Board, and perform all other duties required by law, these rules and regulations or the Board.

4. **Meetings.** The Board shall meet whenever its business shall require. The Board shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by existing law. Special meetings of the Board may be held either at the call of the chairperson or at the call of two members of the Board. A minimum of 24 hours written notice of the time and place of each meeting shall be given to each member of the Board.
5. **Quorum.** A quorum of the Board shall consist of two members. All actions of the Board shall require the concurrence of at least two members.
6. **Order of Business.** The order of business of all meetings of the Board shall be as follows:
 - A. Roll call.
 - B. Approval of minutes of previous meetings.
 - C. Communications and reports.
 - D. Unfinished business.
 - E. New business.
7. The secretary shall keep minutes of the Board's proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.

(Ord. 48-1996, 12/23/1996, §2)

§1-599.03. Application.

1. Every applicant for a position in the engineering or electrical departments or the position of building inspector shall secure from the secretary of the Civil Service Board an application blank, which shall be furnished without charge. The application must be filled out, signed in the handwriting of the applicant and notarized before submittal.
2. Every applicant shall state in the application the following information:
 - A. The applicant's full name, residence and post office address.
 - B. The applicant's citizenship.
 - C. The applicant's business and employments, and residence during the 3 years immediately preceding the application.

- D. The applicant's experience and period of service which may qualify the applicant for the duties of the position sought.
 - E. The applicant's experience and period of service and date.
 - F. The applicant's education.
 - G. The applicant's experience in any previous governmental service.
 - H. Any other information deemed pertinent.
- 3. Each applicant to be examined must be a citizen of the United States.
 - 4. As part of the application, each applicant shall submit the names and addresses of at least three citizens who have known the applicant for at least 3 years and who are in a position to answer specific questions as to the applicant's personality and character.
 - 5. No question in any application form or at any examination shall be framed as to elicit information concerning the political or religious opinions or affiliations of any applicant other than the applicant's loyalty to the United States.
 - 6. The Civil Service Board may refuse to examine an applicant or, after examination, to place upon the eligible list anyone:
 - A. Who is found to lack any of the established preliminary requirements for the examination or position of employment in question.
 - B. Who fails to qualify for a license to operate a motor vehicle.
 - C. Who has made false statements of any material fact or practiced or attempted to practice any deception or fraud in the applicant's examination or in securing the applicant's eligibility.
 - D. Whose references, in the judgment of the Civil Service Board, are not satisfactory either in quantity or quality.
 - E. Who refuses to comply with the rules and regulations of the Civil Service Board.

(Ord. 48-1996, 12/23/1996, §3)

§1-599.04. Written Examination.

- 1. Adequate public notice of the testing for any position by the Civil Service Board shall be given prior to the date upon which all applications will be due. Notice will be published in the daily papers of the City of Reading. A minimum of 2 weeks written notice of the

ADMINISTRATION AND GOVERNMENT

- time and place of any examination shall be given to each applicant eligible to undergo the examination in question.
2. All written examinations shall be conducted in a public building. There will be no alternate testing dates.
 3. A member of the Civil Service Board shall be in constant attendance during all examinations.
 4. Each applicant reporting for a written examination shall be given an identifying number by the secretary of the Board or a Board member in attendance. There shall be a list of assigned numbers and the names of the applicants and this list shall be sealed in an envelope prior to the commencement of the examination and shall be delivered in a sealed envelope to the secretary upon completion of the examination. No person shall be permitted into the testing site once testing has commenced.
 5. The applicant taking the examination shall place the identifying number assigned to him or her on the applicant's examination papers. Under no circumstances shall the applicant's name or any other identification be placed on the examination papers. The Board may reserve the right to disqualify any examination paper marked in any manner other than that specified.
 6. No one but the applicants taking the examinations, the secretary of the Board to act officially shall be allowed in the room where examinations are being conducted.
 7. No applicant shall be permitted to bring into the examination room any book, notebook, paper or other device which might assist the applicant in answering questions, unless otherwise directed by the Civil Service Board.
 8. No applicant shall be permitted to converse with any other applicant during the examination, nor to any other person except the secretary of the Board, Board members or persons assigned by the Board to act officially in administering the examination.
 9. No applicant shall assist another applicant or be assisted by any other person whatsoever.
 10. No applicant shall be permitted to leave the examination room during the examination except with permission of the Board member in attendance. When the applicant has completed the examination, the applicant may ask to leave and shall turn in his or her papers to the person or persons administering the examination and leave the room, but may not return.
 11. The written examination shall then be scored under the direction of the Board. The examiner shall communicate only identifying numbers and their respective scores to the Board.

12. At the convenience of the Board, the chairperson shall call a meeting for the purpose of evaluating examination results. The secretary shall deliver the envelope containing the names and identifying numbers of the applicants to the chairman or designated Board member who shall open it in the presence of the Board.
13. The Board may establish a minimum passing grade for each examination, which passing grade shall be announced prior to the commencement of the examination. The Board shall have the right to decrease the minimum passing grade for any examination if, in the opinion of the Board, the published minimum passing grade will result in a certified list with a number of eligible applicants substantially less than the anticipated vacancies. Such an adjustment shall be made by the Board without knowledge of the results obtained by any individual applicant or applicants.

(Ord. 48-1996, 12/23/1996, §4)

§1-599.05. Background Investigation.

The Civil Service Board may undertake, or may cause to have undertaken for it, an appropriate investigation into the character and reputation of each applicant.

(Ord. 48-1996, 12/23/1996, §5)

§1-599.06. Oral Interviews.

The Civil Service Board may undertake or may cause to have undertaken for it, an appropriate investigation into the character and reputation of each applicant.

(Ord. 48-1996, 12/23/1996, §6)

§1-599.07. Veteran's Preference.

Veterans shall be given the consideration as specified in the State law. Any person who desires to be given special consideration as a veteran must submit evidence of military service of the United States. Proof of honorable discharge must also be submitted, the preferred evidence being a copy of honorable separation or discharge from the military service of the United States. In order to receive veteran's preference as specified by State law, an applicant must first attain a passing grade on all examinations.

(Ord. 48-1996, 12/23/1996, §7)

§1-599.08. Certification of Lists.

ADMINISTRATION AND GOVERNMENT

1. Applicants shall be duly notified of the results of their examinations. Any applicant who feels aggrieved by the markings given the applicant on any examination papers may, by written request, have the markings explained or reconsidered, if necessary in the opinion of the Board. All such requests for explanations or reconsideration must be filed within 15 days after the date of the publication of the eligibility list, otherwise they will be denied.
2. The Board, after consideration of the results of the examinations and the recommendations and other information deemed pertinent, shall certify to the Mayor or appropriate person or body a list of eligibles in order of their ratings. At its discretion, the Board may first publish the list of eligibles in order of the ratings and at its next regularly scheduled meeting shall certify the published list to the Mayor or appropriate person or body.
3. All examination papers, together with all other papers concerning Civil Service Board examinations, shall be kept for a period of not less than 5 years.

(Ord. 48-1996, 12/23/1996, §8)

K. Recreation Committee.

§1-599.11. Findings and Purpose.

1. **Findings.** The City of Reading and Reading School District have determined that the benefits of recreation and educational services can be increased through the collaboration of both entities with area youth serving organizations. This collaborative program will provide an improved opportunity, character development, physical fitness, spiritual well-being, creativity and happiness to the children and youth of Reading. It will meet a wide range of needs for young people and their families and will provide a safe, healthy and nurturing experience that encourages young people to become responsible contributing members of the Reading community.
2. **Purpose.** It is declared that the establishment of the Reading Recreation Committee will develop a supportive environment for our youth that will benefit and strengthen the entire Reading community. The Reading Recreation Committee will be committed to focusing on our youth as resources, not as liabilities. This Committee will work to provide a wide range of activities for youth of all ages that will create opportunity for physical and emotional growth.

(Ord. 14-2000, 8/14/2000, §1(1))

§1-599.12. Duties and Responsibilities.

The committee shall join and create programs at neighborhood schools, public buildings and other facilities that meet the needs of each individual neighborhood community. Programs will be of high quality, accessible, congenial and comprehensible to youth, parents and other adults and will improve the quality of life for participants and their families. The duties and responsibilities are detailed as follows:

- A. Develop agreements and continued associations with youth serving agencies, leagues, athletic groups or other community organizations that provide services to City youth.
- B. Coordinate human and financial resources, including detailed budgets for each site.
- C. Apply for grants, endowments to cover new services or unfunded services
- D. Provide guidance and feedback to the City of Reading and Reading School District on programs and the use of facilities.

ADMINISTRATION AND GOVERNMENT

- E. Facilitate meetings to obtain feedback from the community on needs and programs.

(Ord. 14-2000, 8/14/2000, §1(2))

§1-599.13. Committee Membership.

1. The committee shall consist of members of the following:
 - A. Two representatives from the City Council office.
 - B. One representatives from the City of Reading Recreation Division.
 - C. Three representatives of the Reading School District.
 - D. One representative from the Reading Public Library.
 - E. One representative from Olivets Boys and Girls Club, YMCA, Police Athletic League, Prevention Partnership, Conference of Churches and Reading Housing Authority.
2. The term of each member shall be for a period of 3 years. Members will be appointed to serve with staggered terms.
3. All members shall be appointed by the body they represent.
4. The committee shall be co-chaired by a representative from the City Council office and the Reading School District.
5. The terms of office shall be staggered in such a manner that at least two terms expire annually.

(Ord. 14-2000, 8/14/2000, §1(3))

§1-599.14. Meetings.

The committee shall hold regular meetings that normally occur once per month. The committee chair shall prepare an agenda 7 days in advance which shall be distributed to the members.

(Ord. 14-2000, 8/14/2000, §1(4))

§1-599.15. Responsibilities of the Co-Chairs.

The co-chairs shall be the staff contact with the committee and shall serve as a liaison between the committee, the City administration, City Council and Reading School District. The co-chairs shall perform the following duties:

- A. Advise the committee of the program goals, needs and budget.
- B. Coordinate financing to provide for program costs.
- C. Develop the monthly meeting agenda.
- D. Prepare and distribute meeting minutes.
- E. Organize and oversee subcommittees and focus groups.
- F. Obtain all information and documentation requested of the committee.
- G. Prepare an annual report, on behalf of the committee, detailing the committees strategic goals, activities and accomplishments.

(Ord. 14-2000, 8/14/2000, §1(5))

L. Charter Board.

§1-599.21. General Provisions.

1. **Title.** The Title of this Part shall be the City of Reading Charter Board Ordinance.
2. **Purpose of Ordinance.** The purpose of the City of Reading Charter Board Ordinance is to provide, through the institution of the City of Reading Charter Board ("Board"), for the implementation of Amendment I of the Reading City Charter, which is entitled "Enforcement of Charter."

(Ord. 46-2005, 7/25/2005, §I)

§1-599.22. Organization of Charter Board.

1. Composition and Structure of Board.

- A. **Composition.** The Board established under Amendment 1 of the City of Reading Home Rule Charter ("Charter") shall be composed of five residents of the City of Reading. Board members shall be appointed by the Mayor with the consent of City Council.
- B. **Terms of Service.** Members of the Board shall serve for terms of 5 years, except that the members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with members serving terms of 1, 2, 3, 4, and 5 years respectively.
- C. **Vacancy.** An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.
- D. **Election of Chairperson and Vice-Chairperson.** The Board shall elect a chairperson and vice-chairperson upon seating of the members and thereafter annually at a meeting held in July of each year. The vice-chairperson shall act as the chairperson in the absence of the chairperson or in the event of a vacancy in that position.
- E. **Quorum.** A majority of the members of the Board shall constitute a quorum and the votes of a majority of the members present are required for any action or recommendation of the Board.
- F. **Staff.** The Board shall appoint a Solicitor, a secretary, and such other staff as may be deemed necessary. The Solicitor, secretary, and such other staff as may be necessarily appointed shall not be members of the Board.

ADMINISTRATION AND GOVERNMENT

G. **Meetings.** The Board shall meet at the call of the chairperson or at the call of a majority of its members.

H. **Investigative Officer.**

- (1) The Board shall appoint an investigative officer ("Investigative Officer") who shall serve at the pleasure of the Board. The Investigative Officer is charged with determining jurisdiction, conducting preliminary and full investigations, issuing written findings reports, prosecuting complaints before evidentiary hearings, and performing such other duties as set forth herein. The Investigative Officer shall conduct his/her work independently and without comment or inquiry from the Board, except as provided in paragraph (4) below.
- (2) The Investigative Officer shall be a member in good standing of the Pennsylvania Bar Association and shall have so been for at least 5 years. The Investigative Officer need not be a resident of the City of Reading and shall not be a Board member. The Investigative Officer is authorized to retain the services of an investigator and other professional staff and/or consultants, and shall only delegate non-discretionary functions.
- (3) The Investigative Officer shall not be the current or former Solicitor to the Board and the Investigative Officer shall not serve in the future as Solicitor to the Board on any matter investigated or prosecuted by the Investigative Officer.

Furthermore, the Investigative Officer shall not seek the advice of the Solicitor to the Board, and the Solicitor to the Board shall not seek the advice of the Investigative Officer, on substantive aspects of any complaint or referral before the Board.

- (4) In addition to all other responsibilities of the Investigative Officer he/she shall provide to the Board every six months a summary of each complaint received, its procedural status, and if it has been dismissed, the reasons for its dismissal. Said summary shall not contain any identifying information of any person involved as a witness, complainant or subject of the complaint.
2. **Prohibitions.** Due to the nature of their appointment, Board members have a duty to avoid any known conflicts of interest, especially actions or behaviors in violation of the City Charter or its full and impartial enforcement. The prohibitions in this Section are in addition to all other duties, responsibilities, and obligations imposed upon Board members.

A. No member may hold or campaign for any other public office.

- B. No member may hold office in any political party or political organization or political committee.
 - C. No member may hold a position of employment with City government or appointment to any other board, authority, or commission formed by the City of Reading.
 - D. No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for the office of Mayor, President of Council, Council Member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.
 - E. No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.
3. **Mandate to Fund.** City Council shall appropriate sufficient funds for the Board to perform its enforcement, advisory, and educational duties, including expenses for independent counsel, investigative personnel, investigations, hearings, appeals, staff, any other necessary personnel, and professional educational programming.

(Ord. 46-2005, 7/25/2005, §II)

§1-599.23. Powers and Duties of Charter Board.

1. **Charter Enforcement Powers.** The Board shall have the following powers and duties with respect to Charter enforcement. It shall:
- A. Hear and decide all complaints alleging violations of the Charter and Administrative Code, except that its jurisdiction shall not extend to cases arising under the Ethics Code or the Personnel Code of the City of Reading.
 - B. Impose penalties and administrative fines and refer matters to law enforcement, regulatory, or other authorities with jurisdiction over these matters.
 - C. Initiate preliminary investigations on its own motion, through the Investigative Officer.
 - D. Appoint an Investigative Officer to conduct investigations and to issue Findings Reports where appropriate.
 - E. Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investiga-

ADMINISTRATION AND GOVERNMENT

tion before the Board, and issue orders, including but not limited to adjudications and penalties.

- F. Adopt rules and regulations to administer, implement, enforce and interpret the Board Ordinance.
 - G. Have all other powers necessary and appropriate to effectuate the purposes set forth herein and in Amendment I of the Charter.
2. **Charter Advisory Powers.** The Board shall have the power to issue advisory opinions on matters concerning the interpretation of the Charter and Administrative Code. The enumeration of this power shall in no way diminish any of the foregoing enforcement powers of the Board.
3. **Charter Educational Powers.** The Board shall have the following powers and duties with respect to Charter education. It shall:
- A. Direct and administer, with professional assistance, the required orientation of all newly elected City officials at the commencement of their initial full term of office.
 - B. Be responsible, proactively and on an ongoing basis, for educating the public and members of City government as to their rights, duties, and obligations under the Charter and Administrative Code.

(Ord. 46-2005, 7/25/2005, §III)

§1-599.24. Standards for Interpretation of Reading City Charter and Administrative Code.

1. **Standards for Charter Interpretation: Intent Controls.**
- A. The object of all interpretation and construction of Charter provisions is to ascertain and effectuate the intent of the authors of the Charter.
 - B. When the words of a Charter provision are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.
 - C. When the words of a Charter provision are not explicit, the intent of the authors of the Charter shall be ascertained by considering:
 - (1) The mischief to be remedied.
 - (2) The object to be attained.
 - (3) The circumstances under which it was enacted.

(4) The contemporaneous legislative history.

2. **Standards for Administrative Code Interpretation: Intent Controls.**

- A. The object of all interpretation and construction of Administrative Code provisions is to ascertain and effectuate the intent of the enacting City Council.
- B. When the words of an Administrative Code provision are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.
- C. When the words of an Administrative Code provision are not explicit, the intent of the enacting City Council shall be ascertained by considering:
 - (1) The mischief to be remedied.
 - (2) The object to be attained.
 - (3) The circumstances under which it was enacted.
 - (4) The contemporaneous legislative history.

3. **Refinements of Interpretative Standards.** The standards set forth in subsections .1 and .2 above may be refined only in accordance with the Statutory Construction Act, 1 Pa. C.S.A. §1501 *et seq.*, which is binding for the interpretation of all home rule charters through *Cottone v. Kulis*, 460 A.2d 880 (Pa. Commonwealth, 1983), and for the interpretation of all municipal ordinances through *Ciavarella et ux. Appeal*, 484 A.2d 420 (Pa. Commonwealth, 1984).

(Ord. 46-2005, 7/25/2005, §IV)

§1-599.25. Enforcement.

1. **Procedure.**

- A. **Standing.** Any taxpayer, or aggrieved person, may file a complaint about alleged violations of the Charter or Administrative Code. The person signing a complaint shall:
 - (1) Reasonably believe in the existence of facts upon which the claim is based.
 - (2) Reasonably believe that the complaint may be valid under the Charter or Administrative Code.

In addition, the Board may initiate preliminary investigations on its own motion, through the Investigative Officer.

B. Filing of Complaint.

- (1) Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

The Board shall establish a separate post office box through which to receive complaints. This post office box shall be generally accessible by the Investigative Officer and /or the secretary, provided that the secretary is not a Board member.

- (2) No member of the Board shall review any complaint until after an evidentiary hearing has been requested by the subject of the investigation, or if no evidentiary hearing is requested, then until the submission to the Board of the Investigative Officer's Findings Report.
- (3) The complainant may withdraw his or her complaint at any time after its submission, and no further action will be taken with regard to the complaint. Such withdrawal shall be in writing and contain a notarized signature. If a preliminary investigation has already been initiated, the subject of the investigation shall immediately be notified of the withdrawal. The individual's withdrawal of a complaint does not preclude further action by the Board on its own motion.

C. Determination of Jurisdiction.

- (1) Each complaint filed with the Board shall immediately be directed to and preliminarily reviewed by the Investigative Officer appointed by the Board to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determination shall be made within 7 days of the filing of the complaint. If the Investigative Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.
- (2) Upon a determination that the complaint falls within the jurisdiction of the Board, the Officer shall attempt an informal resolution of the issue within 30 days of the receipt of the complaint. Informal resolution shall consist

solely of written notice to the complainant and the subject of the complaint encouraging them to resolve the issue outside the formal investigative and adjudicative process of the Board.

- (3) Concurrent with the attempt at informal resolution, the Investigative Officer shall inform both the complainant and the subject of the complaint of their rights and responsibilities under the formal adjudicative process.

D. Preliminary Investigation.

- (1) The preliminary investigation shall be initiated and conducted at the sole discretion of the Officer. If the Officer, in his/her discretion, finds that the alleged violation, would, if proved, constitute a "de minimis" infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint.

A de minimis infraction is one that is so insignificant or trifling that enforcement serves merely to exhaust the Board's time and resources. See *Bailey v. Zoning Board of Adjustments*, 801 A. 2d 492 (Pa., 2002).

Furthermore, if the Officer, in his/her discretion, finds that the Board in the instant case cannot provide an adequate or timely remedy, he/she may decline to initiate a preliminary investigation, dismiss the complaint, and advise the complainant of alternative remedies.

- (2) At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same and the initiation of a preliminary investigation.
- (3) The preliminary investigation shall be completed within 30 days of the Officer's finding of jurisdiction.
- (4) If, at any time during the preliminary investigation, an extension is necessary and justified, the Officer may request of the Board one 15-day extension, which shall be granted as of course. The Officer shall notify both the complainant and the subject of the investigation of such extension.
- (5) At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

E. **Full Investigation.** If preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within 3 days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every 45 days. Within 90 days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a Findings Report ("Findings Report").

F. **Findings Report.**

- (1) The Findings Report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation.
- (2) Within 20 days of the issuance of the Report, the subject of the investigation may make a request in writing to the Officer for an evidentiary hearing, and such request shall be granted as of right. When the Officer receives such a request, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Investigative Officer shall then prepare facts in support of the complaint and present them at the evidentiary hearing.
- (3) If the subject of the investigation does not request an evidentiary hearing within 20 days of the issuance of the Findings Report, the Officer shall immediately notify the Board of the names of the parties involved and shall deliver to the Board the Findings Report.

G. **Evidentiary Hearing.**

- (1) **Timing.** An evidentiary hearing must be held within 45 days of the filing of a request for same.
- (2) **Procedure.**
 - (a) The subject of the investigation shall have reasonable access to any evidence intended to be used at the hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument, and shall be entitled to exercise all rights afforded him/her by the United States Constitution and the Pennsylvania Constitution which apply to this type of hearing.

- (b) The formal rules of evidence will not apply to hearings; however, they may be used as a guide for determining the evidence admitted at the hearing.
 - (c) Testimony shall be given under oath or affirmation, and witnesses shall be subject to cross-examination.
 - (d) A stenographic record shall be taken of all evidentiary hearings.
 - (e) The Investigative Officer will present his/her case followed by the case of the subject of the complaint. Each party may make an opening and closing statement, unless otherwise directed by the Board.
 - (f) Subpoenas may be issued at the request of the parties to the hearing on the approval of the Board. Information subpoenaed shall be relevant and not privileged.
 - (g) The Board shall possess and be afforded all other powers, rights, privileges, and immunities, afforded to quasi-judicial bodies in the Commonwealth of Pennsylvania.
- (3) **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing, in writing, to the Board at least 5 days before the hearing.
- (4) **Solicitor.** The Board shall be represented by its Solicitor. The Solicitor shall assist the Board in carrying out its functions during the evidentiary hearing, may examine witnesses, documents and things to the same extent as the Board, may make evidentiary rulings and advise the Board concerning same, assist in the preparation and review of the Final Order, and otherwise advise and counsel the Board as necessary.

H. **Decision by the Board: Final Order.**

- (1) **Following Evidentiary Hearing.** At the conclusion of the evidentiary hearing, and in a timely manner, the Board shall deliberate on the evidence to determine whether the subject of the complaint violated the Charter or the Administrative Code. The Board's decision shall be by a majority vote of those members present.
- (2) **Where no Evidentiary Hearing is requested.** If the subject of the complaint does not request an evidentiary hearing, the Board shall decide by a majority vote of those members present whether the Findings Report supports a determination that the subject of the complaint violated the Charter or Administrative Code.

- (3) **Final Order.** The Final Order of the Board shall contain findings of fact and conclusions of law in accordance with the Local Agency Law, 2 Pa.C.S.A. §§551-555. A copy of said order shall be delivered immediately to both the complainant and the subject of the complaint by certified United States mail, return receipt requested.

The Board shall render its decision and issue a Final Order:

- (a) Within 30 days of the conclusion of the evidentiary hearing.
- (b) In the instance where no evidentiary hearing is requested, within 60 days of the issuance of the Findings Report.

I. Right to Appeal.

- (1) Any person aggrieved by an adjudication of the Board who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals pursuant to Title 42 (relating to judiciary and judicial procedure). All such appeals shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§751-754.
- (2) In the instance of an appeal from an adjudication of the Board, representation of the Board shall be by its Solicitor.

J. Protection of Complainant. No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade, or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or for providing information or testifying in any Board proceeding.

K. Costs of Charter Enforcement. Any person who prevails in any legal action against the City, its officers or agents to enforce this Charter or the Administrative Code pursuant to it, shall be entitled to recover all reasonable attorney's fees and costs incurred in such action.

2. Violations and Penalties.

A. Violations. The violation of any Section of the Charter or Administrative Code, in whole or in part, shall constitute a violation under the jurisdiction of the Board, except that the Board's jurisdiction shall not extend to cases arising under either the Ethics Code or the Personnel Code.

B. Penalties; Other Remedies.

- (1) **Penalties.**

- (a) Factors to be considered. Before the imposition of any penalty (as opposed to restitution or other remedy) the Board shall consider the following factors and address the relevant factors in its Final Order:
 - 1) The seriousness of the offense.
 - 2) The substantive effect the offense has on the application of the Charter and its purposes.
 - 3) Whether the subject of the complaint has had previous decisions entered against him/her by the Board.
 - 4) The number of violations involved.
 - 5) Whether the violations were the result of willful or intentional conduct, recklessness, negligence, oversight or mistake.
 - 6) The consequences of the violation.
 - 7) Any other factors relevant in determining the type and severity of the penalty to be imposed.
- (b) **Penalties.** Upon the finding of any violation, the following penalties shall be available to the Board for imposition, in addition to and notwithstanding restitution and other remedies listed in subsection 2) below:
 - 1) Admonition, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, and Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the Charter or Administrative Code.
 - 2) Public Censure, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the Charter or Administrative Code took place and that the Board strongly disapproves of the public official's or public employee's actions.
 - 3) Suspension, without compensation for a stated period of time not to exceed 30 days, in compliance with existing personnel

practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.

- 4) Termination, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.
 - 5) Referral to the appropriate authorities for criminal prosecution in cases where a violation of the Charter or Administrative Code is also a violation of Federal or State law.
 - 6) Imposition of a fine, not to exceed \$1,000 per violation.
 - 7) Imposition of an administrative fine of not more than \$1,000 to defray the actual cost and expense of investigating any violation.
- (2) **Other remedies.** Upon the finding of any violation, the Board may take one or more of the following actions, in addition to and notwithstanding the penalties listed in subsection .2.b(1)(b) above:
- (a) Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Administrative Code or Charter.
 - (b) Order the subject to cease and desist from engaging in a particular activity that is in violation of the Administrative Code or Charter.
 - (c) Order the subject to take specified action to bring him/her into compliance with Board directives.
 - (d) Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction over these matters.
 - (e) Institute appropriate civil or equitable action to enforce the order and decision of the Board.
 - (f) Recommend to City Council the forfeiture of the office held by the subject with the City in accordance with Charter §§206, 305, and 504.

3. **Board Information.**

- A. **Confidentiality of Board Information.** All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights.

All other records and proceedings shall remain confidential except:

- (1) As necessary to effect due process.
- (2) For the purpose of seeking advice of legal counsel.
- (3) For the purpose of filing an appeal from a final order.
- (4) For hearings conducted in public according to subsection .1.G.
- (5) For communicating with the Board or its staff, in the course of an investigation or hearing or before a final determination is made by the Board.
- (6) For consulting with law enforcement officials for the purpose of initiating, participating in, or responding to an investigation, or hearing.
- (7) For testifying under oath before a governmental body.
- (8) For information relating to a complaint, investigation, or hearing which is disclosed by the subject of such complaint, investigation, or hearing.
- (9) For the divulgence by individuals who are interviewees to confidential Board proceedings as to information that was already in their possession or as to their own statements.
- (10) For the publication or broadcast of information legally obtained by the news media regarding a confidential Board proceeding.

B. **Board Records.**

- (1) All Final Orders of the Board shall be kept on public file at the Office of the City Clerk. The City Clerk shall also file copies of all Final Orders of the Board with the Law Library of Berks County Court of Common Pleas.
- (2) All confidential records and proceedings of the Board shall be kept on closed file at the Office of the City Clerk.

4. **Wrongful Use of Charter Board.**

ADMINISTRATION AND GOVERNMENT

- A. Complaints directed to the Board must be based on fact and a reasonable belief of a Charter violation. Wrongful use of the Board is prohibited and any person engaged in such conduct may be subject to penalties as set forth in subsection .2.
- B. Wrongful use of the Board is defined as either:
 - (1) Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without basis in law or fact and was made for a purpose other than reporting a violation of the Charter or Administrative code.

A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim, and either reasonably believes that under those facts the complaint is valid or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.
 - (2) Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, in violation of subsection .3 above.

(Ord. 46-2005, 7/25/2005, §V)

§1-599.26. Advisory Opinions.

Upon written request of any public official or City employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of home rule or enforcement of the City Charter. All advisory opinions shall be issued in writing and may include any redactions necessary to prevent disclosure of the identity of the person who is a subject of the opinion.

An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

Advisory opinions shall be issued as expeditiously as possible, and in no case later than 30 days following the receipt of the written request.

(Ord. 46-2005, 7/25/2005, §VI)

§1-599.27. Educational Duties of the Charter Board.

- 1. **Overview.** The educational duties of the Board are two-fold:

- A. It shall direct and administer, with professional assistance, the required orientation of all elected City officials at the commencement of their terms.
- B. It shall, proactively and on an ongoing basis, educate the public and members of City government as to their rights, duties and obligations under the City Charter and Administrative Code.

2. Orientation of Elected City Officials.

- A. A basic orientation course shall provide comprehensive information on Home Rule Law, the City Charter, the City Administrative Code, and the City Ethics Code. Other topics to be included in the course are: the impact of the Pennsylvania Constitution and other pertinent legal statutes on City government; a review of the City budget, including all City employees' labor agreements; and Roberts Rules of Order.

This course shall be directed and administered by the Board, with assistance from the Pennsylvania Department of Community and Economic Development, the State and County Bar Associations, the Ethics Board, and any other resources the Board deems appropriate.

- B. Any elected official who, in the determination of the Board, completes this course within four months of their initial full term will receive a bonus of \$250.
- C. City Council shall provide sufficient funds to ensure a thorough and professional orientation.

3. Educating the Public and Members of City Government.

- A. Educating the public and members of City government about their rights, duties and obligations promotes involvement and participation for more effective and efficient government.

The Board, with the assistance of resources deemed appropriate by the Board, shall conduct these educational programs in various formats. Educational information can be disseminated in a variety of formats - public meetings, printed materials such as inserts in tax and water bills; handbooks; web site; community newsletter; interactive local television programming.

- B. Funds shall be made available to the Board for the ongoing educational program of the public and members of City government.

(Ord. 46-2005, 7/25/2005, §VII)

M. Establishing a Minority Business Procurement Advisory Board.

§1-599.31. Policy.

It is the policy of the City, State and Federal governments to foster an environment of inclusion in which all businesses are free to participate in business opportunities and to flourish without the impediments of discrimination. Businesses participating in these contracts shall do so on a fair and equitable basis. Vendors on these contracts shall not discriminate against any business because of race, color, religion, national origin, sex, sexual orientation or disability.

(Ord. 56-2005, 9/12/2005)

§1-599.32. Definitions.

For the purpose of this Chapter, the following terms shall have the following respective definitions:

Agency - any City office, department, board or commission, but not limited to, including the Council of the City of Reading. It shall also mean all legal entities which either:

- (1) Receive funds, directly or indirectly, from the City, State or Federal governments.
- (2) Have entered into continuing contractual or cooperative relationships with the City, including quasi-public agencies, hospitals, schools, etc.
- (3) Operate under legal authority granted to them by City ordinance.

City Contracts - all City contracts, whether competitively bid or negotiated, including but not limited to, any construction contract with a total value in excess of \$10,000 which:

- (1) Is paid for in whole or in part with City, State or Federal funds.
- (2) Is financed either wholly or partially by State or Federal funds which are administered by the City.
- (3) Is funded in whole or in part by Financial Assistance (See 6 below).

Disabled person - a person who has a physical or mental impairment which substantially limits one or more of his or her major life activities or has a record of such impairment. Major life activities shall mean functions, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Disadvantaged Business Enterprise or "DBE" - any small business enterprise:

ADMINISTRATION AND GOVERNMENT

- (1) Which is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals.
- (2) In the case of any publicly owned business, one in which at least 51% of the stock is owned by one or more socially and economically disadvantaged individuals, associations or groups; provided, however, that a reputable presumption shall exist that any person that has received more than \$5,000,000 in three consecutive years of contract work from the City is not a DBE, and; provided further, that any previous certification of any such person as a DBE shall be re-evaluated pursuant to regulations to be promulgated by the MBEC.

Disparity analysis - in the City of Reading the level of DBE's are underutilized in the performance of various types of contracts.

Financial assistance - any grant, loan, incentive or abatement provided by, or with the authority or approval of, the City or a City-related agency, including but not limited to bond financing subsidies, Tax Increment Financing aid, industrial development bonds, use of the power of eminent domain, land or property acquisition, Community Development Block Grant loans or grant, airport revenue bonds, Enterprise Zone designations, and aid from any Federal, State or City or other similar agencies.

Individual - a natural person.

Minority business procurement advisory board (MBPAB) - the entity within the Department of Finance responsible for the development, implementation, monitoring and enforcing the procedures and goals set forth in this Chapter.

Minority person - a person who is a citizen or lawful permanent resident of the United States and who is:

- (1) African American (a person having origins in any of the black racial groups in Africa).
- (2) Hispanic American (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race).
- (3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands).
- (4) Native American (a person having origins in any of the original peoples of North America).

Person - a corporation, partnership or association, or any combination thereof, as well as a natural person.

Small business enterprise - a business which is independently owned and operated and which is not dominant in its field of operation as further defined in the Small Business Size Regulations, adopted by the U.S. Small Business Administration and published in the U.S. Code of Federal Regulations, including the industry size standards set forth in the table contained therein, which regulations are incorporated herein, and made a part hereof by reference.

Socially and economically disadvantaged individuals - those who have either been subjected to racial, sexual or ethnic prejudice because of their identity as a member of a group or to differential treatment because of their disability without regard to their individual qualities, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business who are not socially disadvantaged.

- (1) In determining who are Socially and Economically Disadvantaged Individuals, the Minority Business Procurement Advisory Board may make a reputable presumption that all minority persons, all women and all disabled persons shall be so classified.
- (2) The Minority Business Procurement Advisory Board, in determining whether an individual shall be classified as a Socially and Economically Disadvantaged Individual, shall also consider, among other things the extent of the liquid assets and net worth of such socially disadvantaged individuals.

MCA - is the Minority Contractors Association.

Women Business Enterprise or "WBE" - any Women Business Enterprise:

- (1) Which is at least 51% owned and controlled by one or more socially and economically disadvantaged women.
- (2) In the case of any publicly owned business, one in which at least 51% of the stock is owned by one or more socially and economically disadvantaged women, associations or groups; provided, however, that a reputable presumption shall exist that any person that has received more than \$5,000,000 in three consecutive years of contract work from the City is not a WBE, and; provided further, that any previous certification of any such person as a WBE shall be re-evaluated pursuant to regulations to be promulgated by the MBEC.

Age - includes any person forty and above and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.

Aggrieved person - includes such person or persons who believe that they have been injured or will be injured by a discriminatory employment act or practice that has occurred or is about to occur.

Discriminate and discrimination - includes any difference in treatment based on race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

Familial status - means one or more individuals, who have not obtained the age of eighteen years being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals.
- (2) The designee of such parent having such custody, with the written permission of such parent or other person.
- (3) Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

Handicap - with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of having such an impairment; or being regarded as having such an impairment.

Non job related handicap or disability - any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in, or has been engaged in. Un-insurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related.

(Ord. 56-2005, 9/12/2005)

§1-559.33. Minority Business Procurement Advisory Board.

1. **Stated Mission.** To advise administration on issues and policies concerning enhance participation, to the maximum extent feasible, in employment practices at all levels, included but not limited to apprenticeship programs, training programs, etc., for MBEs, DBEs, WBEs, and the lower to moderate income residents, etc. within the distressed areas as mandated by City, State and Federal governments regulations.
2. **Meeting Dates.** First week of the month.
3. **Appointment by.** Mayor (usually with recommendations from sitting Board members and the Minority Contractors Association) with the approval of City Council.

4. **Length of Term.** 2 years
5. **Accountability to City.** Reports
6. **Revenue Source.** City General Fund.
7. **Number of Board Members.:** Seven members shall be appointed including but not limited to the following: 1 Rep. Housing Authorities Sector, 2 Reps. Minority Contractors Association, 1 Rep as Chamber of Commerce Designee, and 3 community members-at-Large. Representation of members of the Board should reflect the demographics of the City.

(Ord. 56-2005, 9/12/2005)

§1-599.34. Minority Business Procurement Advisory Board.

1. There is hereby established in the Office of the Mayor, a Minority Business Procurement Advisory Board to advise the Administration on policies, procedures and practices to enhance participation of MBEs, DBEs, WBEs, SBEs and the lower to moderate income residents, etc. in procurement of City contracts and all employment practices.
2. The Board shall consist of seven members each to be appointed by the Mayor for a 2-year term, with City Council approval. The members of the Board may be reappointed to successive terms of office. Each member of the Board shall continue to serve after their term until their successor has be qualified and appointed. Appointments of new term members shall be made 60 days prior to the expiration of the current term. Vacant seats on the Board shall be filled within 90 days. Three members-at-large from the community will also serve on the Board.
3. The Board shall elect one of its members as chairman and may elect such other officers as it may deem necessary. The chairman may with the approval of the Board, appoint such committees as may be necessary to carry out the powers and duties of the Board, and the members may authorize such committees to take any necessary action for the Board.
4. The Board shall adopt such rules and regulations for its own organization, operations and procedures as the Board shall deem necessary to administer, implement and enforce this Part 5M.
5. The Board shall hold at least four public meetings during each calendar year. Four members of the Board shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting shall be sufficient for any official, action taken by the Board. Members are required to vote on all issues. However, in case of a valid absence, approved by the chairman, the members is required to vote either by abstaining or via Proxy, whichever is deemed appropriate. Members who have failed to

ADMINISTRATION AND GOVERNMENT

fulfill their duties, included but not limited to two missed votes, shall first receive a warning. However, further violation of their duties will render an immediate resignation.

6. The members of the Board shall serve without compensation but upon resolution of Council, they may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by Council.
7. In the event that no members shall not be able and available to exercise any of or fulfill any of the duties of the Board, the Mayor may appoint one or more members temporarily, with the approval of City Council, to assume the powers and/or fulfill the duties of the Board. Such appointment maybe limited in duration of term and in scope of the powers and duties of any members so appointed.
8. In the event that a member wishes to resign, they must do so in writing to the Chairman of the MBPAB. A copy of this letter should be provided to all members for information purposes only.

(Ord. 56-2005, 9/12/2005)

§1-599.35. Powers and Duties of Board.

The Minority Business Procurement Advisory Board shall have no powers or duties but shall serve in an advisory capacity to the Administration only.

(Ord. 56-2005, 9/12/2005)

§1-599.36. City Contracts.

All contracts of the City and its contracting agencies shall encourage the contractor to comply with the policy of this article to enhance the participation of MBEs, DBEs, WBEs, SBEs and the lower to moderate income residents, etc., therewith and to comply with any State or Federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed there under and shall require the contractor to include a similar provision in all subcontracts.

(Ord. 56-2005, 9/12/2005)

§1-599.37. Procedure.

1. The MBPAB, or any subsequent successor, shall advise the administration in accord with the policy set forth herein and in so doing shall also:

- A. Advise a procedure to ensure the City is outreaching and encouraging to MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participate in procurement.
 - B. Advise a procedure to ensure the City is outreaching and encouraging to MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participation in City contracts as subcontractors.
 - C. Ascertain and advise the Administration, within 90 days of the enactment of this Part, the total number of MBEs, DBEs, WBEs, SBEs and lower-to moderate income businesses in the Berks County Standard Statistical Area.
 - D. Maintain a listing of all such residents and make it available to all agencies.
 - E. Advise a process to ensure all majority contractors are aware of the existence and identity of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses.
 - F. Survey such businesses to ascertain how to establish accessibility of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to the City's procurement process and report findings to Administration and Council.
 - G. Survey such businesses to ascertain how to establish accessibility of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participation in City contracts as subcontractors and report findings to Administration and Council.
 - H. Report to the Administration and Council the MBEs, DBEs, WBEs, SBEs and lower to-moderate income businesses on bi-annual basis (every 6 months) of participation in City contracts and its procurement process.
 - I. Report to the Administration and Council the MBEs, DBEs, WBEs, SBEs and lower to-moderate income businesses on bi-annual basis (every 6 months) of participation in City contracts as subcontractors.
 - J. Advise Administration and Council of percentage of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts and its procurement process.
 - K. Advise Administration and Council of percentage of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts as subcontractors.
 - L. Advise Administration and Council of appropriate policies and procedures for aid in monitoring and obtaining Board's mission and policy.
2. The Director of Finance, in conjunction with the MBPAB shall, assemble and furnish to such procurement records and documents of the various agencies, cooperative

ADMINISTRATION AND GOVERNMENT

relationships, etc. as are necessary for the monitoring MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts and its procurement process and subcontractors.

(Ord. 56-2005, 9/12/2005)

PART 6

PENSIONS

A. Police Pension Fund.⁸³

§1-601. Definitions.

The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meaning:

BOARD - the Police Pension Fund Association Board to which reference is made in §1-602.

CITY - the City of Reading, Pennsylvania.

D.R.O.P. - Deferred Retirement Option Plan.

D.R.O.P. ACCOUNT - separate account created to accept D.R.O.P. participant's monthly pension check while an employee is a D.R.O.P. participant.

EMPLOYEE - a person in the service of the City as a member of the police force.

FUND - the Police Pension Fund.

HE - the masculine or feminine pronouns where appropriate.

NEW EMPLOYEE - an employee who enters the service of the City on or after January 1, 1977.

NEW MEMBER - an employee who is a member of the retirement system on or after January 1, 1977.

PENSION BENEFITS - the financial allowances provided to members pursuant to the provisions of this Part.

PERSON - an officer or employee of the City.

PRESENT EMPLOYEE - an employee in the service of the City prior to January 1, 1997.

PRESENT MEMBER - an employee who is a member of the retirement system prior to January 1, 1977.

⁸³Police Pension Fund - see Third Class City Code §4301 *et seq.*, 53 P.S. §39301 *et seq.*

ADMINISTRATION AND GOVERNMENT

RATE OF MONTHLY PAY - one-twelfth of the base pay as set forth in the salary ordinance, in effect as of date of retirement, adopted pursuant to a collective bargaining agreement and/or Act 111 arbitration plus, 1/12th of longevity pay plus 1/12th of holiday pay the member is entitled to for the calendar year.

SALARY - the base pay as set forth in the salary ordinance adopted pursuant to a collective bargaining agreement and/or Act 111 arbitration and shall not include any other compensation.

YEARS or WHOLE YEARS - for the purposes of computing the period of time during which a member has been employed by the City, each 12-month period commencing from the date of employment of a member.

YEARS ON RETIREMENT - the number of whole years that a police officer or a firefighter has been retired as of January 1, 2001.

(*Ord. 6-2000*, 5/8/2000, §1; as amended by *Ord. 47-2002*, 9/9/2002, §1; and by *Ord. 29-2003*, 9/8/2003, §1)

§1-602. Police Pension Fund Association.

1. There is hereby created a board to be known as the "Police Pension Fund Association Board," consisting of:
 - A. The Mayor or his designee.
 - B. The City Auditor, formerly known as the City Controller.
 - C. The Director of Finance, formerly known as Director of Accounts and Finance.
 - D. The Chief of Police.
 - E. One retiree member of the system to be elected by the members of the retirement system.
 - F. One active police person to be chosen by members of the retirement system.
2. The representatives chosen by the members shall be elected for terms of 4 years. The terms of the members of the board shall run concurrently with the term of the Mayor.
3. A vacancy occurring during the term of the representatives elected by the members of the retirement system shall be filled for the unexpired term by members of the retirement system.
4. Board members shall serve without compensation.

5. It shall be the duty of the board to register all members and to administer the collection and distribution of the fund herein provided for and to make such reasonable rules and regulations as the board may deem necessary in order to effectuate the provisions to a responsible institution experienced in administering the collection, distribution and investment of pension funds, but in such event the board shall require any such institution to provide the board with written reports of its activities relating to the fund at least once every 6 months.

(Ord. 6-2000, 5/8/2000, §2)

§1-603. Duties of the Director of Human Resources.

1. It shall be the duty of the Director of Human Resources of the City to submit to the board statements showing the name, sex, title, compensation, duties, date of birth and date of full-time employment of a person who is eligible for membership in the retirement system. Such statement shall be submitted to the board within 30 days from the date any such person is employed or elected to a position with the City.

2. In addition, it shall be the duty of the Director of Human Resources to submit to the board through the Pension Administrator, a statement providing years of full-time service, date of termination, total contributions to the fund by each employee and compensation for the highest 5 years of the employment of any such terminated individual.

(Ord. 6-2000, 5/8/2000, §3)

§1-604. Contributions to Fund.

1. Each member shall contribute to the fund an amount equal to 5% of his salary or wages plus \$1 per month.
2. Contributions to the fund shall be made by the City deducting the same from the salary or wages of the member and paying said deductions to the fund.

(Ord. 6-2000, 5/8/2000, §4)

§1-605. Right of Members to Pension Benefits and Amount of Pension Benefits.

1. Normal Retirement Benefits.

- A. All members of the retirement system shall, effective January 1, 1999, be eligible for normal retirement upon having completed 20 years of service, without regard to age.
- B. During the lifetime of any retired member, such member shall be entitled to receive annually from the fund, as pension benefit, a sum equal to 50% of the amount which would constitute the highest average annual salary or wages which he earned during any 5 calendar years of his service for the City, or which would be determined by the rate of the monthly pay of such member at the date of retirement, whichever is the higher. Pension benefits shall be paid monthly, in advance, in accordance with and subject to the conditions hereinafter set forth.
- C. In addition to the pension benefits which are authorized to be paid in accordance with the previous subsection, each member who may become entitled to pension benefits shall also become entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth:
 - (1) Service increments shall be the sum obtained by computing the number of whole years a member shall have continued as a paid City employee after having served in the employment of the City for a period of 20 years and multiplying the number of years so computed by an amount equal to 1/40

ADMINISTRATION AND GOVERNMENT

of the pension benefit which becomes payable to such member in accordance with the provisions of this Part 6A. In computing the service increment, no employment after the member has reached the age of 65 years shall be included. The maximum service increment pension shall be \$100 per month.

2. **Members Entitled to Reduced Retirement Benefits.** Any member who ceases to be employed by the City for any reason prior to completing the minimum required period for continuous service, but after having completed 12 years of full-time service shall be entitled upon retirement to receive benefits in accordance with subsection (3) of this Section.
3. **Computation of Reduced Retirement Benefits.** Should a member of the Police Pension Fund cease to be employed as a full-time employee for any reason prior to completing the minimum period of continuous service requirement, but after completing 12 years of full-time service, the member shall be entitled to cease his or her employment and vest his or her retirement benefit computed under §1-605, subject to the following conditions:
 - A. The member must file with the Management Board of the Police Pension Fund a written notice of his or her intention to vest.
 - B. The member must include in the notice, the date the member intends to terminate his or her service as a full-time employee.
 - C. The termination date shall be at least 30 days later than the date of notice to vest.
 - D. The member must be in good standing with the Police Department on the date of notice to vest.
 - E. The board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of said notice to vest or the highest average annual salary which the member received during any 5 years of service preceding said date, whichever is higher.
 - F. Upon reaching the date which would have been the member's retirement date had the member continued his or her full-time employment with the Police Department, the member shall notify the board, in writing, that the member desires to collect his or her pension. The amount of retirement benefits the member is entitled to receive under this Section shall be computed as follows:
 - (1) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.
 - (2) The portion of the base retirement due the member shall be determined by applying to the base amount the percentage that his or her years of service actually rendered bears to the years of service which would have been

rendered had the member continued to be employed by the department until his or minimum retirement date.

(Ord. 6-2000, 5/8/2000, §5)

§1-606. Right to Refund of Contributions in Lieu of Receipt of Pension Benefit.

Any member who becomes entitled to pension benefits in accordance with the provisions of §1-605 may elect to obtain a refund of all his contributions without interest rather than to receive the pension benefits provided for in any of said Sections. Such election must be made in writing to the board prior to the date on which a pension payment is made to the member.

(Ord. 6-2000, 5/8/2000, §6)

§1-607. Termination of Employment of Members Prior to Being Entitled to Pension Benefits.

Any member who has been in the service of the City for a period of less than 20 years and whose service shall terminate prior to he or his spouse or children becoming eligible for a pension shall be paid the total amount of the contributions paid into the fund by him and without interest.

(Ord. 6-2000, 5/8/2000, §7)

§1-608. Permanent Disability Pension.

Any member who becomes totally disabled as a result of injury or illness in the line of duty or, if not in the line of duty, after he shall have completed 10 years of service, shall be entitled to full pension benefits during such disability. Any member who becomes totally disabled not as a result of injury or illness in the line of duty and shall not have completed 10 years of service shall be entitled to a pension of $\frac{1}{2}$ the full pension. Proof of such disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the member is in a condition of health which totally disables him from performing the duties of his position or office or of any other gainful employment within the police force of the City to which he may be assigned. Any such member receiving pension benefits shall thereafter be subject to physical examination at any reasonable time or times, upon order of the board, and upon his refusal to submit to any such examination, his pension shall cease.

(Ord. 6-2000, 5/8/2000, §8)

§1-609. Widow or Widowers and Children of Members.

ADMINISTRATION AND GOVERNMENT

The widow or widower of a member who has retired on pension hereunder, or if not retired has completed 10 years of service, shall be entitled to full pension benefits. The widow or widower of a member who has not completed 10 years of service shall be entitled to a pension of $\frac{1}{2}$ the full pension. Such pension shall be payable so long as such widow or widower survives and upon such death such pension shall be divided equally among the children of the member under the age of 18 years. Such pension shall cease on the later date of:

- A. The death of the widow or widower.
- B. The eighteenth birthday of the youngest child.

(Ord. 6-2000, 5/8/2000, §9)

§1-610. Computation of Time of Service.

1. Except as set forth in subsection (2) of this Section, the time of service for determining whether a member is eligible for pension benefits under the provisions of this Part 6A shall be computed from the date on which a person becomes a member of the Police Pension Fund. If, after becoming a member, a person leaves the service of the City and is subsequently re-employed, for purposes of determining eligibility for benefits, his time of service shall be computed from the date on which he last became a member of the fund except as provided for in subsection (2), hereof.
2. A member who has or shall terminate his service in the police force of the City and has been re-employed as a member of the police force shall be entitled to credit for prior service in determining his eligibility for pension benefits under the following circumstances:
 - A. Such member shall be entitled to a credit for prior service if he has repaid to the fund any contributions which he withdrew from the fund upon leaving the service of the City. The extent of prior service for which such member shall be entitled to a credit shall be based on the length of time during which such member originally paid the contributions which he withdrew and which he repaid.

(Ord. 6-2000, 5/8/2000, §10)

§1-611. Receipt and Investment of Funds; Payment.

1. It shall be the duty of the board to receive, retain, invest and reinvest the fund created by virtue of this Part 6A and to pay over by warrant or check the amount due to members or their widows or widowers or their estates or children. The board, with the approval of the Director of Finance of the City, may enter into agreements with reputable institutions to perform any of the aforesaid duties but in the event the board does so, any such agreement shall require the institutions involved to provide the board with written

reports concerning its activities at least once every 6 months. The compensation of such institutions shall be paid by the Police Pension Fund or such pay or as is designated by applicable law.

2. The City shall contribute to the fund an amount sufficient to meet the requirements of the fund and such amount shall not be less than subsection (A), nor more than subsection (B).
 - A. An amount equal to 1/2% of all City taxes levied by the City, other than taxes levied to pay interest on or to extinguish the debt of the City or any part thereof, plus such additional amounts as are actuarially necessary to provide for the cost of pensions paid to widows, widowers and children of members.
 - B. An amount equal to 3% of all City taxes levied by the City other than taxes levied to pay interest on or to extinguish the debt of the City or any part thereof, plus such additional amounts as are actuarially necessary to provide for the cost of pensions paid to widows, widowers and children of members.

The City may take by gift, grant, devise or bequest any money or property, real, personal or mixed, for the benefit of this fund. The board shall enter into such agreements for the care, management and disposal of such funds, subject to the directions, not inconsistent therewith, as may be prescribed by the donors.

(Ord. 6-2000, 5/8/2000, §11)

§1-612. Exemption from Attachment or Execution; Nonassignability.

The pension benefits and service increments herein provided for shall not be subject to attachment or execution and shall be payable only to the person designated by this Part 6A, and shall not be the subject of assignment or transfer.

(Ord. 6-2000, 5/8/2000, §12)

§1-613. Payment to Estate.

In the event that any member dies prior to becoming entitled to any pension benefits hereunder, and leaves no widow or widower or children eligible for benefits hereunder, the amount of contributions paid by him which remain in the fund without interest shall be paid to the following parties in the order designated:

- A. To the estate of the member.

ADMINISTRATION AND GOVERNMENT

- B. To a person entitled to the contributions in accordance with the interstate laws of the Commonwealth of Pennsylvania.

(Ord. 6-2000, 5/8/2000, §13)

§1-614. Military Service.

1. **Intervening.** Any member who enters active duty in the Armed Forces of the United States at a time when he is a member of the fund shall have his years of active duty in the military service, not to exceed a total of 5, credited to his retirement; provided, that:
 - A. He receives an honorable discharge, certificate of satisfactory service or the equivalent thereof, and produces same to the board.
 - B. He is re-employed by the City within 90 days of such discharge or within such longer period as his re-employment rights are protected by law.
 - C. He shall pay into the fund the amount which he would have been obligated to pay during the period of his military service, but not to exceed a total of 5 years, if he had been an active employee of the City, which amount shall be based on his last salary or wages as a City employee.
2. **Nonintervening.** Any member who has not retired and who served in the Armed Forces of the United States subsequent to September 1, 1940, and was not a member of the fund prior to such military service, shall be entitled to have full credit for each year or fraction thereof, to the completed month, not to exceed 5 years under the following conditions:
 - A.
 - (1) He shall pay to the pension fund, within 90 days of the effective date of this Part 6A, an amount equal to the total of (1) and (2).
 - (2) An amount equivalent to 15-7 % of such salary representing the City normal contribution to the fund, as computed under the most recent actuarial valuation.
 - B. A member who has not completed payment of his entire amount required under the previous subsection by the time permitted therein shall not be permitted to receive credit for such nonintervening military service. Any partial payment made by him on or prior to the final date shall be refunded to him.

(Ord. 6-2000, 5/8/2000, §14)

§1-615. Increases in Allowances Following Retirement.

1. On or after the effective date of this Section, pension benefits shall be increased to those members who have previously retired only upon the action of Council and only if the actuarial status of the funding of the Police Pension Fund Association is such that sufficient provision is made to provide for the accrual of normal cost of future service benefits and of interest on unfunded accrued liabilities.
2. Police Pension Fund shall pay a retired police officer a special ad hoc postretirement adjustment if all of the following apply:
 - A. The retiree has terminated active employment with the City of Reading as a police officer.
 - B. The retiree is receiving a retirement benefit from the City of Reading on the basis of active employment with the City as a police officer.
 - C. The retiree began receiving the retirement benefit before January 1, 1996.
3. Except as provided in subsections (4) and (5), the Police Pension Fund shall pay a retired police officer a monthly special ad hoc postretirement adjustment under this Section that shall be calculated as follows:
 - A. The base adjustment shall be determined by multiplying 15 cents by the years of service and then multiplying that product by the years on retirement.
 - B. The longevity factor shall be determined as the sum of the products calculated by multiplying 0.025 by the years on retirement and 0.05 by the years on retirement in excess of 25, if any.
 - C. The longevity adjustment shall be determined by multiplying the base adjustment calculated under subsection (3)(A) by the longevity factor calculated under subsection (3)(B).
 - D. The special ad hoc postretirement adjustment payable under this section shall be the sum of the base adjustment calculated under subsection (3)(A) and the longevity adjustment calculated under subsection (3)(C).
4. **Limitation.** If, a retiree is entitled to be paid a special ad hoc postretirement adjustment by more than one municipal retirement system, the amount of the special ad hoc post retirement adjustment under subsection (3) shall be reduced so that the total of all these adjustments paid to the retiree does not exceed the amount specified in subsection (3).
5. **Modification in the Amount of 2002 Special Ad Hoc Postretirement Adjustment.** The amount of the special ad hoc postretirement adjustment calculated under subsection (3) shall be reduced annually by 65% of the total amount of any postretirement adjustments provided to the retiree under the municipal retirement plan after December 31, 1988, and before January 1, 2002, and paid in the immediately preceding year.

ADMINISTRATION AND GOVERNMENT

6. The special ad hoc postretirement adjustment under this Section is effective on the date of the first retirement benefit made after June 30, 2002. If the special ad hoc postretirement adjustment under this Section is not included in the initial retirement benefit payment occurring after June 30, 2002, the special ad hoc postretirement adjustment shall be included as soon as practicable in the retirement benefit payment of the retiree, and the initial retirement benefit payment that includes the special ad hoc postretirement adjustment also shall include the total amount of the special ad hoc postretirement adjustments previously omitted from the retirement benefit payments made after June 30, 2002.

(*Ord. 6-2000, 5/8/2000, §15; as amended by Ord. 47-2002, 9/9/2002, §2*)

§1-616. Deferred Retirement Option Program (D.R.O.P.).

1. **Eligibility.** Effective January 1, 2001, members of the Reading Police Department, that have not retired prior to the implementation of the D.R.O.P. program, may enter into the D.R.O.P. on the first day of any month following completion of 20 years of credited service.
2. **Written Election.** A member of the Police Department electing to participate in the D.R.O.P. must complete and execute a "drop option form" prepared by the City of Reading, Department of Human Resources, which shall evidence the member's participation in the D.R.O.P. The form must be signed by the member and notarized and submitted to the City of Reading, Department of Human Resources, prior to the date on which the member wishes the D.R.O.P. option to be effective. The D.R.O.P. option notice shall include an irrevocable notice to the City, by the member, that the member shall resign from employment with the City of Reading Police Department effective on a specific date not more than sixty (60) months from the effective date of the D.R.O.P. option. In addition, all retirement documents required by the Police Pension Board Administrator must be filed and presented to the Pension Board for approval of retirement and payment of pension. Once a retirement application has been approved by the Police Pension Board it is irrevocable.
3. **Limitation on Pension Accrual.** After the effective date of the D.R.O.P. option, the member shall no longer earn or accrue additional years of continuous service for pension purposes.
4. **Benefit Calculation.** For all Retirement Fund purposes, continuous service of a member participating in the D.R.O.P. shall remain as it existed on the effective date of commencement of participation in the D.R.O.P. Service thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Reading Police Pension Fund. The average monthly pay of the member for pension calculation purposes shall remain as it existed on the effective date of commencement of participation in the D.R.O.P. Earnings or increases in earnings thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Pension Fund. The pension benefit payable to the members shall increase only as a result of cost of living

adjustments in effect on the effective date of the member's participation in the D.R.O.P., or by applicable cost of living adjustments granted thereafter.

5. **Payments to D.R.O.P. Account.** The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a normal retirement benefit shall, upon the member commencing participation in the D.R.O.P., be paid into the separate account established to receive the participant's monthly pension payments. This account shall be designated the Deferred Retirement Option Plan account.
6. **Payout.** Upon the termination date set forth in the member's drop option notice or, such date as the member withdraws or is terminated from the D.R.O.P. program the retirement benefits payable to the member or the member's beneficiary, if applicable, shall be paid to the member or beneficiary and shall no longer be paid to the member's deferred retirement option account. Within thirty (30) days following termination of a member's employment pursuant to their participating in the D.R.O.P. program, the balances in the member's deferred retirement option account shall be paid to the member in the single lump sum payment, or at the member's option, in any fashion permitted by law.
7. **Disability During D.R.O.P.** If a member becomes temporarily disabled during his participation in D.R.O.P., his participation freezes and the time period while on disability does not count towards the five (5) year participation limit. Upon return to duty, membership in D.R.O.P. shall resume, continuing with the remaining time left in the 5-year membership period. The member shall receive disability pay in the same amount as disabled police officers that are not participating in D.R.O.P. In no event shall a member on temporary disability have the ability to draw from his D.R.O.P. account. However, notwithstanding any other provisions in this subsection, if an officer is disabled and has not returned to work as of the date of his required resignation, then such resignation shall take precedence over all other provisions herein and said officer shall be required to resign.
8. **Death.** If a D.R.O.P. member dies before the D.R.O.P. account balances are paid, the participant member's legal beneficiary shall have the same rights as the member to withdraw the account balance.
9. **Amendment.** Any amendments to the D.R.O.P Ordinance shall be consistent with the provisions covering deferred retirement option plans set forth in any applicable collective bargaining agreement and shall be binding upon all future D.R.O.P. participants and upon all D.R.O.P. participants who have balances in their deferred retirement option accounts.

(Ord. 6-2000, 5/8/2000; as added by Ord. 29-2003, 9/8/2003, §2)

B. Firemen's Pension Fund.⁸⁴

§1-621. Definitions.

The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meaning:

BOARD - a Board of Managers of the Firemen's Pension Fund as comprised by its members.

CITY or CITIES - all Third Class Cities of the Commonwealth of Pennsylvania which have adopted the status known as Firemen's Pension Fund.

CODE - the Third Class City Code of the Commonwealth of Pennsylvania.

COMPENSATION - retirement allowance.

HE - the masculine and feminine pronouns.

FIREMAN - a regularly salaried paid uniformed employee of the Department of Fire and Rescue Services of the City of Reading.

FUND - Firemen's Pension Fund.

(Ord. 5-2000, 4/27/2000, §1)

§1-622. Board of Managers Created.

There be and is hereby created the Reading Firemen's Pension Fund Board of Managers, which shall have in charge the distribution of pensions and service increments of the Firemen's Pension Fund for the Department of Fire and Rescue Services of the City of Reading, and shall designate the beneficiaries thereof as herein directed.

(Ord.. 5-2000, 4/27/2000, §2)

§1-623. Board of Managers; Members, Term and Vacancy.

Said Board of Managers (hereinafter referred to as "Board"), shall consist of the Mayor, Director of Finance, Director of Public Safety, City Auditor and Chief of the Department of Fire and Rescue Services, ex officio, whose memberships shall be concurrent with their tenure of office,

⁸⁴Firemen's Pension Fund - see Third Class City Code §4320 *et seq.*, 53 P.S. §39320 *et seq.*

ADMINISTRATION AND GOVERNMENT

and two members of the Department of Fire and Rescue Services to be chosen by the members of the Department of Fire and Rescue. Of the first managers to be chosen by the members of the Department of Fire and Rescue, one shall be chosen for a term of 2 years and one for a term of 4 years. Biennially thereafter, one manager shall be chosen for a term of 4 years to take the place of one whose term expires. In case of vacancy among the managers chosen by the Department of Fire and Rescue, a successor shall be chosen for the unexpired term. In the event that the office of any of the said selectees shall become vacant by reason of death, resignation, or otherwise, his office shall be filled for its unexpired term by members of the Department of Fire and Rescue by special election.

(Ord. 5-2000, 4/27/2000, §3)

§1-624. Board Officers.

The Mayor shall be the President; the City Auditor, the Secretary and the Director of Finance, the Treasurer of said board.

(Ord. 5-2000, 4/27/2000, §4)

§1-625. Surety Bond of Treasurer.

The Treasurer shall give and maintain a surety bond to the City in a sum equivalent to the probable amount of money and securities that shall come into his hands for the faithful performance of his duties, the premium on which bond, however, shall be paid from the fund.

(Ord.. 5-2000, 4/27/2000, §5)

§1-626. Board Expenses.

All incidental expenditures (such as stationery, postage, miscellaneous supplies, etc.) necessary to the transaction of the business of the board shall be provided for from the fund.

(Ord. 5-2000, 4/27/2000, §6)

§1-627. Board Compensation.

The members of said board shall receive no compensation for the services thus performed.

(Ord. 5-2000, 4/27/2000, §7)

§1-628. Fund Created.

There shall be created by said board a fund to be known as the Firemen's Pension Fund.

(Ord. 5-2000, 4/27/2000, §8)

§1-629. Fund Sources.

There shall be paid into this fund all bequests, legacies, gifts or donations made hereto, and all sums subscribed by the public, as well as all net incomes resulting from all games, sports, entertainment, or any and all other sources of income conducted by or under the supervision of the Department of Fire and Rescue.

(Ord. 5-2000, 4/27/2000, §9)

§1-630. Gifts and Grants.

The board may take and receive gifts, grants, devises or bequests of any monies, real estate, personal property or other valuable things from whatever source, for the purposes of the said fund.

(Ord. 5-2000, 4/27/2000, §10)

§1-631. Reward Proceeds.

There shall also be turned over and paid into said fund ½ of all rewards that may be paid or given for or on account of extraordinary service by said Department of Fire and Rescue or by any fireman who is covered by the provisions of this Part 6B.

(Ord. 5-2000, 4/27/2000, §11)

§1-632. DiLauro Interest Arbitration Award.

1. Section 1-633, entitled "Members Contributions," §1-640, entitled "Entitlement to Benefits," §1-641, entitled "Members Rights to and Amount of Benefits," §1-643, entitled "Disability Benefits," and §1-644, entitled "Application," are hereby amended to conform precisely with paragraph 7, page 7, of the DiLauro Interest Arbitration award of December 28, 1982, entitled Proposed Pension Changes for Members Employees hired (SIC) after January 1, 1982, quoted verbatim as follows:

“(1) Twenty-five years of service and attained age 50 for normal retirement.

(2) Monthly pension shall be 50% of pay.

ADMINISTRATION AND GOVERNMENT

- (3) Service increment based on 25 years completed before the age 65.
 - (4) Average pay shall be highest of any 5 years employment or pay at date of retirement.
 - (5) Pay shall be construed to be base salary plus longevity.
 - (6) Employee contribution of 5% shall apply only to pay as defined in subsection (a)(5), hereof."
2. Effective January 7, 2002, all references to the December 28, 1982, interest arbitration award shall be deleted. Pension benefits for all bargaining unit members shall be in accordance with Bill No. 4, as it existed prior to the December 28, 1982, interest arbitration award. [Ord. 45-2004]

(Ord. 5-2000, 4/27/2000, §26; as amended by Ord. 45-2004,² 10/25/2004, §1)

§1-633. Member Contributions; Increase.

1. There shall be paid into this fund the amount of 4%, to be retained or deducted by the City, from the salary of each fireman or employee of the Department of Fire and Rescue, until such time that said fireman or employee shall be retired under the provisions of this Part 6B. In the event City Council shall deem it necessary, in order to provide sufficient funds for payment to widows of members retired on pension, or killed, or who die in service it shall, upon resolution, increase the aforesaid deduction to a maximum of 5%.
2. There shall be paid in to the Firemen's Pension Fund the amount of 5% to be retained or deducted by the City from the salary of each fireman or employee of the Department of Fire and Rescue, until such time that the fireman or employee shall be retired under the provisions of the Firemen's Pension Fund.

(Ord. 5-2000, 4/27/2000, §12)

§1-634. Council Contributions.

There shall be appropriated by the City of Reading annually to the Reading Firemen's Pension Fund, such amount as City Council may consider proper within the limitation fixed by law.

(Ord. 5-2000, 4/27/2000, §13)

² Editor's Note: Section 2 of Ord. 45-2004 provided that the amendment to §1-632.2 be effective January 1, 2005.

§1-635. Board Rewards, Rules and Meetings.

The Reading Firemen's Pension Fund Board herein provided for shall keep full and accurate accounts of all transactions. It shall have full power to make rules for the transaction of its business, the application and investment of its fund, its time and place of meeting, but shall meet at least four times in each and every year (special meetings upon call of the President of said board).

(Ord. 5-2000, 4/27/2000, §14)

§1-636. Board to Request Budget Funds from Council.

It shall be the duty of said board, each year at the time of making up the Budget Ordinance, to prepare a full and detailed statement of the assets of said fund and the amount which it is required to pay and to present the same to the City Council together with a statement of the amount of money required to enable the said board to pay the said pensions and service increments in full, together with refunds.

(Ord. 5-2000, 4/27/2000, §15)

§1-637. Board Voting and Decisions.

No resolution shall be passed or order made for payment of money, unless by affirmative vote of a majority of the members of the Firemen's Pension Board. In all questions coming before the Board, the Board's decision on all questions of fact shall be conclusive and binding on both the individual fireman and the City.

(Ord. 5-2000, 4/27/2000, §16)

§1-638. Board to Issue Payment Certificates.

Said board shall issue certificates signed by its President and Secretary to the fireman or employee entitled to retirement and pension, and also service increment under this Part 6B, for the amount of money ordered paid to such fireman or employee out of the Firemen's Pension Fund, which certificate shall state for what purpose said payment is to be made.

(Ord. 5-2000, 4/27/2000, §17)

§1-639. Employment Termination Prior to Entitlement.

1. Every fireman or employee in the Department of Fire and Rescue shall contribute to the fund in the manner as hereinbefore and hereinafter set forth.

ADMINISTRATION AND GOVERNMENT

2. If, for any cause, any person contributing to the Firemen's Pension Fund shall cease to be in the service of the Department of Fire and Rescue of the City of Reading before he shall become eligible to receive any pension benefits, the total amount of the contributions paid into the fund by him shall be refunded in full without interest. Provided, however, if any such person shall have had returned to him the amount contributed as aforesaid, and shall afterward re-enter the service of the Department of Fire and Rescue, he shall not be entitled to the pension benefits designated unless he shall return to the fund the amount withdrawn, in which event, the required period of service under this Part 6B shall be computed from the time he first entered the service of the Department of Fire and Rescue, excluding hereto from any period of time during which the member was not employed by the Department of Fire and Rescue, otherwise the date of his service shall commence upon re-entry to the Department of Fire and Rescue.

(Ord. 5-2000, 4/27/2000, §18)

§1-640. Entitlement to Benefits.

1. Every fireman or employee of the Department of Fire and Rescue who shall have served a continuous period of 20 years shall be entitled to be retired and eligible to pension, and may make application to the said board for retirement, provided he has attained 50 years of age.
2. The term "continuous period of 20 years" shall be interpreted in such a way as to encompass the provisions of the Act of Assembly of June 23, 1931, P.L. 932, Art. XLIII, as amended thereafter, also known as 53 P.S. §39321.
3. Should a member of the fund cease to be employed as a full-time fireman for any reason prior to completing the minimum age and minimum period of continuous service requirements, but after having completed 12 years of full-time service, then such member shall be entitled to vest a reduced retirement benefit as detailed and provided for in §1-641(3) of this Part 6B, subject to the following conditions, and as provided for elsewhere herein:
 - A. The member must file with the board of the fund written notice of his or her intent to vest.
 - B. The member must include in the notice the date the member intends to terminate his or her service as a full-time fireman.
 - C. The termination date shall be at least 30 days later than the date of notice to best provide to the board by the member.
 - D. The member must be in good standing with the Bureau of Fire on the date of the notice to vest.

- E. The Board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any 5 years of service preceding the date, whichever shall be higher.
- 4. All members of the Firemen's Pension Fund who are contributors and who served in armed forces of the United States subsequent to September 1, 1940, and who were not members of the Firemen's Pension Fund prior to such military service, shall be entitled to have full credit for each year or fraction thereof, not to exceed 5 years of such service upon their payment to the Firemen's Pension Fund or an amount equal to that which they would have paid had they been members during the period for which they desire credit, and their payment to such fund of an additional amount as the equivalent of the contributions of the City plus any interest the City would have been required to pay on the contributions on account of such military service.

(Ord. 5-2000, 4/27/2000, §19)

§1-641. Members Right to and Amount of Benefits; Service Increment Contributions.

- 1. Payments of pension shall not be a charge on any fund in the Treasury of the City nor under its control save the Firemen's Pension Fund herein provided for. The basis of the pension of a member shall be determined by the monthly salary (includes base salary, overtime, holiday and longevity) of the member at the date of vesting under §1-640(2) or retirement, or the highest average annual salary (includes base salary, overtime, holiday and longevity), which he received during any 5 years of service preceding retirement, whichever is the higher, whether for disability or by reason of age or service, and except as to service increments provided for in subsection (2) of this Section, shall be $\frac{1}{2}$ the annual salary of such member at the time of vesting under §1-640(2), or retirement computed at such monthly or average annual rate, whichever is higher. In the case of the payment of pensions to members for permanent injury incurred in service, and to families of members killed or who die in service, the account and commencement of the payment of the pensions shall be fixed by regulations of the Board. Such regulations shall not take in to consideration the amount and duration of the workmen's compensation allowed by law. Payments to widows of members retired on pension or killed in the service on or after January 1, 1968, shall be the amount payable to the member of which would have been payable had he been retired at the time of his death. If a member dies leaving no widow but leaving to survive him a dependent child or children under the age of 18, such child or children shall be entitled to the same benefits as a widow, as hereinbefore set forth.
- 2. In addition to the pension which is authorized to be paid from the Firemen's Pension Fund by this Part 6B, and notwithstanding the limitations therein placed upon such pensions and upon contributions, every contributor who shall become entitled to the pension shall also be entitled to the payment of a "service increment" in accordance with and subject to the conditions hereinafter set forth.

ADMINISTRATION AND GOVERNMENT

- A. Service increment shall be the sum obtained by computing the number of whole years after having served the minimum required by this Part 6B during which a contributor has been employed by such City and paid out of the City Treasury and multiplying the said number of years so computed by an amount equal to 1/40 of the retirement allowance which has become payable to such contributor in accordance with the provisions of this Part 6B. In computing the service increment, no employment after the contributor has reached the age of 65 years shall be included, and no service increment shall be paid in excess of \$500 per month. [Ord. 45-2004]
 - B. Each contributor, shall pay into the fund a monthly sum in addition to his pension contribution, which shall not exceed the sum of \$5 per month and, provided that such service increment contribution shall not be paid after a contributor has reached the age of 65 years. [Ord. 45-2004]
 - C. Any person who is a member of the department on July 20, 1968, who has already reached the age of 65, shall have his service increment computed on the year of employment prior to the date of reaching his sixty-fifth birthday.
 - D. Service increment contributions shall be paid at the same time and in the same manner as pensions, and may be withdrawn in full without interest by persons who leave the employment of such City, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment.
 - E. All members of the Department of Fire and Rescue Services who are now contributors to the fund and all those employed by the City after July 20, 1968, if required to become contributors to the pension fund, shall be subject to the provisions of this Part 6B.
3. In the event that a member of the fund shall be eligible for a reduced retirement benefit based upon the 12 year vesting detailed in §1-641(3) and provided that such member shall have complied with all the conditions of §1-641(3) and all other applicable conditions and requirements of this Part 6B, then in such event the reduced benefit of the member shall be calculated as detailed in this subsection. Upon reaching the date which would have been the member's retirement date had the member continued his or her full time employment with the Department of Fire and Rescue, the member shall notify the Board, in writing, that the member desires to collect his or her pension. The amount of retirement benefits the member is entitled to receive under this Section shall be computed as follows:
- A. The initial determination of the member's base retirement benefits shall be computed based upon the salary indicated on the notice to vest.
 - B. The portion of the base retirement benefit due the member shall be determined by applying to the base amount the percentage of his or her years of service actually

rendered bears to the years of service which would have been rendered had the member continued to be employed by the Department of Fire and Rescue until his or her minimum retirement date.

(*Ord. 5-2000, 4/27/2000, §10; as amended by Ord. 45-2004³, 10/25/2004, §1*)

§1-642. Benefits to be Uniform; Widows and Children of Members.

The fund shall be applied under such regulations as the Board of Managers shall prescribe for the benefit of such members of the Department of Fire and Rescue Services as shall receive honorable discharge therefrom by reason of the service of age or disability, widows of retired members and families of such as may be killed or who die in the service. All such pensions as shall be allowed to those who are retired by reason of the disabilities or of the service or age shall be in conformity with a uniform scale, together with service increments as hereafter provided. Benefits allowed from such fund to families of such as are killed or who die in service shall take into consideration the member's widow and his minor children under 18 years of age, if any survive.

(*Ord. 5-2000, 4/27/2000, §21*)

§1-643. Disability Benefits.

1. The board shall, upon application received, retire and pay full pension to a fireman or employee who is physically or mentally incapacitated from performing his duty in the Department of Fire and Rescue. Said pension shall be monthly payment of not less than $\frac{1}{2}$ of the employee's monthly salary as of the date of disability.
2. The board shall, upon application received, retire on pension any paid fireman or employee if he is physically or mentally incapacitated, through injury or disease incurred off the job from performing his duty in the Department of Fire and Rescue, provided the disabled fireman or employee has completed a minimum of 5 years in the department. The monthly pension that an employee shall receive hereunder shall be an amount equal to $\frac{1}{40}$ of his monthly salary as of the date of disability for each year of service. In computing years of service, a fraction of year shall be counted as such, a fraction of years.

(*Ord. 5-2000, 4/27/2000, §22*)

§1-644. Application.

³ Editor's Note: Section 2 of *Ord. 45-2004* provided that the amendment to §1-641.2.A and .B be effective January 1, 2005.

ADMINISTRATION AND GOVERNMENT

This Part 6B shall apply to all regular salaried paid firemen and employees of the Department of Fire and Rescue.

(*Ord. 5-2000, 4/27/2000, §23*)

§1-645. Contributions Payment to Estate.

In the event of the death of a pensioner, before he shall have received as much as he contributed to said fund, the balance thereof remaining, without interest, shall be paid to his estate.

(*Ord. 5-2000, 4/27/2000, §24*)

§1-646. Pension Investment Account.

1. The board may create a Firemen's Pension Investment Account.
2. The board is hereby authorized to invest for the credit of said account the surplus money accumulated in said fund in excess of such sum as may be fixed by said board together with such amounts as may be required for the payment of pensions and service increments as directed by this Part 6B during the year.
3. The interest received from such investments shall be paid into the fund upon receipt of same, and if at any time sufficient funds are not available (inclusive of the monies appropriated by the City up to the amount it may be permitted to pay under the law), for the payment of all pensions and service increments in full, then said board may dispose of and sell such securities as it may hold in its investment account and use the proceeds thereof to supply such deficiency.
4. All monies invested for the credit of said account shall be invested in such investments as are permissible under the Fiduciaries Investment Act of 1949, being the Act of May 26, 1949, P.L. 1828.
5. All securities are to be deposited with the Treasurer of said board for the credit of its investment account.

(*Ord. 4-1972, 2/16/1972, §§26-30; as amended by Ord. 5-2000, 4/27/2000, §25; and by Ord. 14-2001, 5/29/2001*)

§1-647. Exemption from Attachment or Execution; Nonassignability.

All pensions and service increments granted under this Part 6B and every portion thereof shall be exempt from attachment of garnishment processes and shall not be seized, taken or subject to detainer or levied upon by virtue of an execution of any processes or proceedings

whatsoever, issued out of or by any court in this Commonwealth for the payment and satisfaction in whole or in part of any claim, damage, demand or judgment against any pensioner. No pensioner shall have the right to transfer or assign his or her pension or any part thereof, either by way of mortgage or otherwise.

(Ord. 5-2000, 4/27/2000, §27)

§1-648. Effective Date.

1. The provisions of this Part pertaining to service increments, as provided for by Act No. 204 of the 1968 Pennsylvania Legislature, shall become effective retroactive to July 20, 1968, 53 P.S. §39320 *et seq.*
2. Except as otherwise provided in subsection (1) hereof, all provisions of this Part shall become effective January 31, 1972.
3. The provision of this Part 6B pertaining to service increments, as provided for by Act No. 204 of the 1968 Pennsylvania Legislature, shall become effective retroactive to July 20, 1968. [Ord. 5-2000]

(Ord. 5-2000, 4/27/2000, §29)

C. Officers and Employees Retirement System.⁸⁵

§1-651. Definitions.

The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meaning:

BOARD - Officers and Employees Retirement Board.

CITY or CITIES - all Third Class Cities adopting this Act.

COMPENSATION - retirement allowances or compensation.

EMPLOYEE - a person in the service of the City, who is either, or who is not now adequately protected under all circumstances by pensions authorized by the laws of this Commonwealth and in force at the time of the passage of this Part or hereafter.

FUND - Officers and Employees Retirement Fund.

HE - the masculine and feminine pronouns.

OFFICERS - a person elected or appointed to City service.

PERSONS - an officer or employee of the City.

(Ord. 13-1998, 4/27/1998, §1)

§1-652. System Created.

The City of Reading has heretofore and does reaffirm the creation and hereby does create under the provisions of the Act of Assembly of the Commonwealth of Pennsylvania No. 362, approved May 23, 1945, 53 P.S. §39374.1 *et seq.* under the conditions and subject to the qualifications hereinafter stated, a retirement system for officers and employees of the City, but not including firemen and policemen.

(Ord. 13-1998, 4/27/1998, §2)

§1-653. Officers and Employees Retirement Board.

⁸⁵State Law Provisions - see 53 P.S. §§39371 to 39384.

Coverage of Persons under Social Security - see 65 P.S. §201 *et seq.*

ADMINISTRATION AND GOVERNMENT

The Council of the City of Reading hereby reconstitutes an Officers and Employees Retirement Board which shall consist of the following:

- A. The Officers and Employees Retirement Board which has heretofore been created shall henceforth consist of the Mayor, the City Auditor, the Director of Finance, two employees to be chosen by the employees contributing to the retirement fund and a retired city employee who shall be appointed by the Mayor subject to confirmation by City Council. [*Ord. 15-1999*]
- B. When any of the following are unavailable: the Mayor, City Auditor or Director of Finance then the Mayor, City Auditor or Director Finance shall in writing appoint a designee to act in his/her place for such period or periods as shall be necessary with the approval of the board. In the event that one or more of the foregoing offices are vacant then the acting Mayor, acting City Auditor or acting Director of Finance shall serve on the board until the applicable office is no longer vacant. [*Ord. 15-1999*]
- C. The representatives elected by the employees shall be elected for the term to run concurrently with the term of the Mayor, and shall be from two different Departments of the City Government.
- D. Members of the Officers and Employees Retirement Board shall serve for the term for which they are elected and until their successors are elected.
- E. The members of the Officers and Employees Retirement Board shall serve without compensation, but shall be reimbursed for any necessary expenditures.
- F. It shall be the duty of said Board to register all persons employed by the City other than firemen or policemen and to administer the collection, investment and distribution of the fund herein provided for, and make such reasonable rules in the premises as said Board may deem necessary for its efficient organization, and to carry into effect the provisions of this Part.
- G. The Officers and Employees Retirement Board shall keep a complete set of books showing all of its transactions, and a complete record of all its proceedings, which shall be open to inspection by any employee contributing to the fund and to the public.
- H. All payments of compensation made under the provisions of this Part shall be made by check only, signed in such manner as may be fixed by the rules of the Board.

(*Ord. 13-1998, 4/27/1998, §3; as amended by Ord. 15-1999, 7/12/1999, §1*)

§1-654. Employment Statement.

The Human Resource Department of the City shall on the first day of each calendar month, notify the Board of the employment, or the entering into office of new City officers and employees, and shall submit to the Board, a statement showing the name, sex, title, date of birth, compensation, duties, and commencement date of each of such new City officers and employees, and shall also certify to the Board, at the same time, all removals, withdrawals, and changes in salary of any member of the officers and employees' retirement system, which shall have occurred during the preceding month.

- A. The Director of Finance or his designee has cause and shall continue to cause to be deducted on each and every payroll of a member for each and every payroll period subsequent to November 1, 1946, the following per centum of the total amount of salary earned by each member, in such payroll period in accordance with the provisions of this Part, which sum so deducted shall be applied to the purposes provided for by this Part.
- B. The Director of Finance or his designee shall pay each of the amounts so deducted into the Treasury of the officers and employees' retirement fund, and he shall transmit to the Pension Administrator each pay period, a detailed statement of all amounts so paid in.

	Single	Married
Single Coverage	3%	3 ½%
Single Coverage + Increments	3 ½%	4%
Joint Coverage	3 ½%	4%
Joint Coverage + Increments	4%	4 ½%
Dual Coverage	5%	5 ½%
Dual Coverage + Increments	5 ½%	6%

- C. Single coverage is a deduction for pension only (Does not include Social Security). This coverage is no longer available (Since September 1959). Joint Coverage includes Social Security but is subject to a 40% of Social Security deduction to be applied against the City pension. This offset can be eliminated by payment of 1 ½% of the salary earned since January 1960 or date of employment whichever is the earliest date. Upon payment of the offset the coverage is then known as dual coverage which entitles the employee to pension and Social Security without deduction of the offset.

(Ord. 13-1998, 4/27/1998, §4)

§1-655. Right to and Amount of Pension Benefits.

ADMINISTRATION AND GOVERNMENT

Every person now or hereafter elected or appointed to an office of, or employed by, the City of the age of 60 years and upwards who shall have so served as an employee for a period of 20 years or more, shall upon application to the Board, be retired from service, and shall during the remainder of his life receive the compensation fixed by the provisions of Act No. 362, approved May 23, 1945, 53 P.S. §39374.1 *et seq.* and this Part, as amended.

- A. If any person shall have served 20 years and voluntarily retires he shall, by continuing his contributions until the age of 55 be entitled to the above compensation.
- B. During the lifetime of any such person he shall be entitled to receive as compensation annually from the fund set aside for the purpose 50% of the amount which would constitute the highest average annual salary or wages which he earned during any 5 years of his service for the City, or which would be determined by the rate of the monthly pay of such person at the date of retirement, whichever is higher. Said compensation shall be paid in semi-monthly payments.
- C. Retirement compensation for members who are integrated into Federal Social Security payable after early or normal retirement age and upon that portion of annual compensation on which Social Security benefits are payable, shall be reduced by an amount of equal to 40% of the primary insurance amount of Social Security, paid or payable to the member. In determining such age eligibility and such amount, only wages or compensation for services performed in the employ of the City shall be included. (Note: These provisions change if the offset is eliminated by payment of the additional 1 ½% per cent of all salary and wages retroactive to January 1, 1960).
- D. Widows or widowers of members who die or are killed in the service, shall receive pension payments calculated at the rate of 50% of the pension the member was receiving, or would have been retired at the time of his or her death. A widow or widower is entitled to receive these payments during his or her lifetime or until he or she remarries.
- E. Where an officer or employee who shall have served for 12 years, or more, and his tenure of office or employment shall be terminated without his voluntary action before the expiration of 20 years of serve and has attained the age of 60 he shall, in such event, during the remainder of his life, be entitled to receive such portion of the full compensation as the period of his service up to date of its termination bears to the full 20 year period of service. Where an officer or employee who has served for 12 years, or more, and shall not have attained 60 years of age and his tenure of office or employment shall be terminated without his voluntary action, before the expiration of 20 years of service, he shall, in such event, during the remainder of his life after attaining the age of sixty (60) years be entitled to receive such portion of the full compensation as the period of his service up to date of its termination bears to the full 20 year period of service. Both are conditioned upon

his payment of contributions into the fund until he attains contribution for 20 years upon state of benefits of age 60 years.

- F. Notwithstanding anything herein contained to the contrary a member may be entitled to a limited vested benefit under the following conditions:
- (1) A member who has completed 12 years or more of full-time continuous service but shall not have attained the minimum age and minimum period of continuous service may be entitled to vest his retirement benefits subject to all of the following conditions:
 - (a) The member must file with the Officers and Employees Retirement Board of the fund a written notice of his intention to vest.
 - (b) The member must include in the notice the date the member intends to terminate his service.
 - (c) The termination date shall be at least 30 days later than the date of notice to vest.
 - (d) The member must be in good standing with the city on the date of the notice to vest.
 - (e) The Board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any 5 years of service preceding that date, whichever is higher.
 - (2) Upon reaching the date which would have been the member's retirement date had the member continued employment with the City, the member shall notify the board in writing that the member desires to collect his pension. The amount of retirement benefits the member is entitled to receive under this Section shall be computed as follows:
 - (a) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest; and
 - (b) The portion of the base retirement due the member shall be determined by applying to the base amounts the percentage that his years of service actually rendered bears to the years of service which would have been rendered had the member continued to be employed by the City until his minimum retirement date. As used in this Section, the term "salary" means the fixed amount of compensation paid at regular, periodic intervals by the City to the member and from which pension contributions have been deducted.

ADMINISTRATION AND GOVERNMENT

- G. Where an officer or employee has served for 20 years, or more, and his tenure of office or employment shall be terminated without his voluntary action, then he shall be entitled to full compensation for the remainder of his life after attaining age 55 years conditioned upon his continuing his contributions into the fund at the same rate as when he was dismissed, until he attains age of 55 years.

(Ord. 13-1998, 4/27/1998, §5)

§1-656. Disability Benefits.

Should an officer or employee, however, become so permanently disabled as to render him unable to perform the duties of his position or office after 15 years of service, he shall be entitled to full compensation during such disability. Proof of such disability shall consist of the sworn statement of three practicing physicians, designated by the Board, that the employee is in a condition of health which would permanently disable him from performing the duties of his position or office. Such person shall thereafter be subject to physical examination at any reasonable time or times, upon order of the Board, and upon his refusal to submit to any such examination his compensation shall cease.

(Ord. 13-1998, 4/27/1998, §6)

§1-657. Member Contributions.

1. Beginning on November 1, 1946, all the aforesaid officers and employees of the City of Reading shall pay into such fund semimonthly an amount equal to 3% per centum of their monthly wages or salaries and beginning on January 1, 1960, all the aforesaid officers and employees of the City of Reading, who as members are integrated with Federal Social Security shall pay into such fund every payroll period an amount equal to 3 ½% of their earnings and 5% in excess of that on which Social Security is payable, which shall be applied to the purpose of this Part.
2. The Board hereby authorizes every joint coverage member of the optional retirement system to elect to receive compensation in accordance therewith without the reduction (commonly known as the "offset") set forth in subsection (c) of the Act of the General Assembly of May 23, 1945, as amended, provided:
 - A. The member makes his election to buy out his offset in writing in manner and form approved by the Board.
 - B. The member makes his aforesaid election to buy out his offset before his date of retirement, which election to do so shall be irrevocable and forever binding upon the member.

- C. The member making his election to buy out his offset shall make a lump sum payment equivalent to buy out his offset shall make a lump sum payment equivalent to 1 ½% of his gross payroll earnings from the date of his affirmative election, retroactive to January 1, 1960, or, as to a member who became employed by the City after January 1, 1960, then an amount equivalent to 1 ½% of his gross payroll earnings from the date of his affirmative election, retroactive to his date of employment by the City, after which time of lump sum payment, the member shall pay to the fund by payroll deduction an amount equivalent to 5% of his gross earnings to a maximum annual gross allowed by Social Security (i.e., \$65,400.00 for 1997).

(Ord. 13-1998, 4/27/1998, §7)

§1-658. Additional Payments to Extend Benefits.

If upon retirement any compensation be granted to a person who has not been a contributor to the fund, as herein provided, for an aggregate period of 20 years, such person shall be required to pay to the Board for the benefit of the fund, monthly an amount equal to the same per centum rate when he separated from the service of his compensation until such time as his contribution shall have been extended to a period of 20 years which shall be deducted from his semimonthly payment.

(Ord. 13-1998, 4/27/1998, §8)

§1-659. Termination Prior to Benefit Entitlement.

If for any cause per person contributing to the fund who has served less than 12 years shall cease to be in the service of the City, he shall become entitled to the total amount of the contributions paid into the funds by him, without interest. Any person who has served for a period of less than 20 years, and who has not reached the age of 60 years, and who voluntarily retires from such service shall be entitled only to the return of his total contributions paid into the funds by him without interest. Except in the event of the notification by a member to obtain a limited benefit but in such event such person shall still be covered by the provisions of this Section with respect to any refunds without interest.

(Ord. 13-1998, 4/27/1998, §9)

§1-660. Refunds.

If for any cause any person contributing to the fund shall cease to be in the service of the City before he shall have become entitled to any compensation, the total amount shall be refunded in full without interest. Provided, however, if any such person shall have had returned to him the amount contributed as aforesaid, and shall afterward re-enter the service of the City, he

ADMINISTRATION AND GOVERNMENT

shall not be entitled to the compensation designated unless he shall return to the fund the amount withdrawn, in which event, the required period of service under this Part shall be computed from the time he first entered the serve of the City, otherwise the date of his period of service shall commence upon re-entry. For those members who became a member of the fund for the first time after January 1, 1988, reference shall be made to Ordinance #79-1987, 9/30/1987, §9 [§1-679].

(Ord. 13-1998, 4/27/1998, §10)

§1-661. Council Contributions.

The City Council shall annually set aside apportion and appropriate out of all taxes and income of the City to the Board, a sum of money sufficient to maintain the pension payable to members of the system including sufficient funds of payments to widows or widowers retired on pension or who dies or were killed in the service of the City.

(Ord. 13-1998, 4/27/1998, §11)

§1-662. Benefits.

The benefits conferred by this Part shall apply to all persons regularly employed in any capacity, by or holding positions in the City in accordance with the provisions of this Part, except as herein provided.

(Ord. 13-1998, 4/27/1998, §12)

§1-663. Time of Service.

1. The time of service herein specified shall be computed from the time of the first or original service to the City and need not be continuous.
2. If, after the expiration of authorized sick leave, an employee although without pay, is absent from work such employee, upon presentation of satisfactory evidence to the Board that such absence was because of health, will be given credit for pension purposes only for an additional period not exceeding 90 calendar days total during the entire period of service with the City; provided however said employee contributed to the pension fund for such period of absence an amount which is equal to the sum he would have contributed had he been working, based on his salary or wages, for a full regular work week at the contributing percentage in force for such employee.

(Ord. 13-1998, 4/27/1998, §13)

§1-664. Military Service.

1. The person must have been an employee of the City at the time he entered the armed forces. Any person who was an employee of the City on or after October 9, 1946, the date of the Ordinance, Bill No. 51, and who was an employee of the City prior thereto, may secure credit for time spent in the armed forces, if he pays before the time of his retirement on pension into the pension fund, the amount equal to 3% of his last monthly salary or wage prior to entering active service with the armed services and for each month he was not employed by the City, because of such active duty. Any person now an employee of the City and a contributor to the pension fund and who now enters the armed forces shall have his years of service credited to his retirement, provided he pays 3% of his monthly salary or wages into the pension fund for each month spent in the armed services.
2. Credit for the years of service for military service shall not at any time exceed in the aggregate 6 years spent by the employee on active duty with the armed forces of the United States. Any person who has received a certificate of satisfactory service and he pays to the board an amount equal to 3% of their monthly wages or salaries, and beginning on January 1, 1960, all the aforesaid officers and employees of the City of Reading equal to the same amount he was contributing at the time he left employ of the City to enter the armed forces of the United States, for each month he is not employed by the City because of his active duty with the armed forces.

(Ord. 13-1998, 4/27/1998, §14)

§1-665. Payment Only to Beneficiary.

The compensation herein mentioned shall not be subject to attachment or execution and shall be payable only to the beneficiary designated by this Part and shall not be subject to assigned or transfer.

(Ord. 13-1998, 4/27/1998, §15)

§1-666. Method of Payment.

The payment of compensation shall be paid in semimonthly payments.

(Ord. 13-1998, 4/27/1998, §16)

§1-667. Service Increment.

In addition to the retirement allowance which is authorized to be paid from the pension fund by this Part, notwithstanding the limitation therein placed upon such retirement allowances

ADMINISTRATION AND GOVERNMENT

and upon contributions, every contributor who shall become entitled to the retirement allowance shall be entitled to the payment of a "service increment" in accordance with and subject to the conditions hereinafter set forth:

- A. Service increment shall be the sum obtained by computing the number of whole years after having served 20 years, required by this Part, during which a contributor has been employed by the City of Reading and paid out of the city treasury and multiplying the said number of years so computed by an amount equal to 1/40 of the retirement allowance which has become payable to such contributor in accordance with the provisions of this Act. In computing the service increment, no employment after the contributor has reached the age of 65 years shall be included.
- B. Each contributor who so chooses to become entitled to the service increments provided by this Part, shall, from and after August 5, 1968, pay into the retirement fund a monthly sum in addition to his or her retirement contribution, which shall be equal to ½% of his or her salary; provided, that such service increment contribution shall not be paid after a contributor has reached the age of 65 years.
- C. Persons who were contributors on August 5, 1968, who have since reached the age of 65 years shall have his or her service increment computed on the years of employment prior to the date of reaching his or her sixty-fifth birthday.
- D. Service increment contributions shall be paid at the same time and in the same manner as retirement contributions, and may be withdrawn in full, without interest, by persons who leave the employment of the said City, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment.
- E. All persons who are now contributors or were contributors to the retirement fund prior to January 1, 1988 shall be subject to the provisions of this Part.

(Ord. 13-1998, 4/27/1998, §17)

§1-668. Federal Income Tax Exemption of Employee Contribution to Fund.

- 1. Employee contributions to the fund shall be deemed to have been paid by the employer, the City, in lieu of compensation to the employee.
- 2. Employees do not have the option of choosing to receive the contributed amount directly in lieu of having them paid by the employer to the fund.
- 3. Employee contributions to the fund treated in the manner set forth in subsection (a) shall be excluded from wages for the purpose of determining individual employee Federal Income Tax deduction of municipal wages earned.

4. This program shall not be applicable to any other Federal, State, or local payroll taxes. The deductions in all other instances shall occur per applicable schedule on compensation earned by the employee.
5. The earnings used to calculate the benefits received by an employee, at the time he or she withdraws from the fund or is eligible to receive a pension benefit, shall not be effected by the provisions of this Section. The earnings used to calculate the benefit shall be actual earnings received as set forth in §1-655 of this Part.
6. The provisions of this Section shall not act to increase the City's contribution rate to the pension program.

(*Ord. 13-1998, 4/27/1998, §18; as added by Ord. 52-1998, 12/28/1998, §1*)

D. New Officers and Employees Pension Fund.

§1-671. Purpose.

The purpose of this Part is to establish benefits payable to officers and employees, other than policemen or firemen, or beneficiaries of such officers or employees, who are elected or appointed to the staff of the City, for the first time, on or after January 1, 1988.

(*Ord. 79-1987, 4/27/1987, §A*)

§1-672. Definitions.

For purposes of this Part, the following terms shall have the meanings herein defined unless the context clearly indicates a contrary intention.

ANNUAL COMPENSATION - in a calendar year means the total of the monthly compensation of each of the 12 months in such year.

FUND - the City of Reading Officers and Employees' Pension Fund.

MONTHLY COMPENSATION - consists of basic monthly compensation plus longevity payments but excludes overtime pay, educational incentive payments, bonuses, payments in lieu of dependent's health insurance costs, and other special forms of compensation.

PARTICIPANT - an officer or employee who is appointed to the staff of the City and becomes a member of the pension fund, for the first time, on or after January 1, 1988. It does not include policemen or firemen. Membership of eligible officers and employees is a required condition of employment. An officer or employee who becomes a member of the pension fund before January 1, 1988, shall remain subject to Part 6A of the Codified Ordinances of the City of Reading entitled "Officers and Employees Retirement System". Any officer or employee who is re-appointed on or after January 1, 1988, having had previous employment prior to January 1, 1988, shall be subject to the pension provisions applying to persons employed prior to January 1, 1988, i.e., *Ord. 13-1998, 4/27/1998 [Part 6A]*.

(*Ord. 79-1987, 4/27/1987, §B*)

§1-673. Normal Retirement.

A participant shall be eligible for normal retirement after attainment of age 65 and completion of 10 years of service.

ADMINISTRATION AND GOVERNMENT

(Ord. 79-1987, 4/27/1987, §C)

§1-674. Basic Benefit.

The basic benefit for a participant who has met the eligibility requirements for normal retirement is a monthly pension equal to 2% of average monthly compensation for the highest consecutive 5 years out of the last 10 years preceding his/her date of retirement, multiplied by the number of years of service completed by the participant, up to a maximum of 25 years of service. Such monthly pension shall be payable for the life of the participant with payments continuing after the participant's death to the participant's spouse equal to 50% of the amount payable to the participant on the day of his death. Such participant must have been married to the spouse for at least 1 year prior to the date of the participant's death in order for the payments to continue to the spouse.

(Ord. 79-1987, 4/27/1987, §D)

§1-675. Service Increment.

A participant who has completed in excess of 25 years of service shall receive an additional incremental pension equal to 1.25% of average monthly compensation for the highest consecutive 5 years out of the last 10 years preceding his/her date of retirement, multiplied by the number of years of service completed by the participant in excess of 25 years of service.

(Ord. 79-1987, 4/27/1987, §E)

§1-676. Early Retirement.

A participant is eligible for early retirement after attainment of age 50 and completion of 10 years of service. The early retirement benefit shall be equal to the accrued pension, as hereinafter defined in §1-677, accrued to the date of early retirement, reduced by 1/3 of 1% for each month that the participant's early retirement date precedes his/her normal retirement date.

(Ord. 79-1987, 4/27/1987, §F)

§1-677. Accrued Pension.

The accrued pension of a participant at any point in time prior to his/her normal retirement date shall be equal to 2% of the participant's average monthly compensation for the highest consecutive 5 years out of the last 10 years preceding the date of determination, multiplied by the number of years of service completed by the participant at such date, up to a maximum of 25 years of service. In addition, the accrued pension shall also include an incremental pension

of 1.25% of average monthly compensation for the highest consecutive 5 years out of the last 10 years preceding the date of determination, multiplied by the number of years of service completed by the participant at such date in excess of 25 years of service.

(Ord. 79-1987, 4/27/1987, §G)

§1-678. Disability Benefits.

If a participant becomes disabled, he/she shall be entitled to a monthly disability benefit. The monthly disability benefit shall be equal to the benefit accrued as of the date of disability. The minimum disability benefit shall be equal to 20% of average monthly compensation for the highest consecutive 5 years out of the last 10 years preceding the date of disability.

(Ord. 79-1987, 4/27/1987, §H)

§1-679. Survivor Benefits.

If a participant is eligible for early retirement and dies while employed by the City, a monthly pension shall be payable to the participant's spouse for the spouse's lifetime equal to 50% of the monthly pension the participant was eligible to receive had he/she been retired as of the day of his/her death. Such participant must have been married to the spouse for at least one year prior to the date of the participant's death in order for the spouse to qualify for this benefit.

(Ord. 79-1987, 4/27/1987, §I)

§1-689. Vesting.

If a participant terminates employment prior to meeting the eligibility requirements for retirement under the plan but after having completed 10 years of total service, he shall be entitled to vest his retirement benefits until he attains normal retirement age by filing with the City a written notice of his/her intention to vest, within 90 days of the date of his/her termination. Upon reaching the date which he/she would have been eligible for normal retirement if he/she had continued to be employed by the City, he/she shall be paid a monthly pension benefit equal to the benefit accrued as of the date of termination. The participant may elect to receive his/her monthly pension benefit after he/she has met the eligibility requirements for early retirement. In such case, the monthly pension benefit payable to the participant shall be equal to the benefit accrued as of the date of termination, reduced by 1/3 of 1% for each month by which the participant's early retirement date precedes his normal retirement date.

(Ord. 79-1987, 4/27/1987, §J)

ADMINISTRATION AND GOVERNMENT

§1-681. Member Contributions.

All members shall pay into the fund monthly, 3% of gross monthly compensation.

(*Ord. 79-1987, 4/27/1987, §K*)

§1-682. Refund of Contribution.

Upon termination of full-time employment before completion of 10 years or upon the death of a participant before he has met the eligibility requirements for early retirement, a refund shall be made of all contributions paid into the fund by such participant, with interest compounded at the rate of 5% per annum. In the case of death, such refund shall be paid to the participant's designated beneficiary, or, in the absence of such designation, to the participant's estate. Any participant who leaves employment subject to the provisions of this Part and is re-appointed, shall in order to receive credit for prior years of service repay to the fund the amount refunded by the fund with interest compounded at the rate of 5% per annum from date of refund by the fund to the date of payment which shall be made within 1 year from date of reappointment. In the event the payment is not made within the specified time limit, the right to obtain credit for prior years of service shall be lost for the applicable prior years period.

(*Ord. 79-1987, 4/27/1987, §L; as amended by Ord. 100-1993, 9/15/1993, §1*)

§1-683. Nonrepealer and Severability.

This Part does not repeal the existing City ordinance outlining the provisions of the City of Reading Officers and Employees' Pension Fund but establishes new provisions for officers and employees hired on or after January 1, 1988 [Part 6A]. The provisions of this Part are severable, and if any of the provisions shall be held to be illegal, invalid or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the intent of Council that this Part would have been adopted if such illegal, invalid or unconstitutional provision or 'provisions had not been included herein.

(*Ord. 79-1987, 4/27/1987, §M*)

PART 7⁸⁶

FIRE INSURANCE PROCEEDS

A. Fire Insurance Proceeds Escrow Procedures.

§1-701. Municipal Officer; Definitions.

1. The Director of the Department of Finance or his designee (hereafter, the "Municipal Officer") is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein. [*Ord. 8-1996*]
2. A fire loss or claim for fire damage is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsements or riders to the policy.

(*Ord. 6-1995, 2/1/1995, Art. 1; as amended by Ord. 8-1996, 2/26/1996, §2*)

§1-702. Payment of Claims.

1. No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Reading (hereinafter the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Municipal Officer with a municipal certificate pursuant to §508(b) and unless there is compliance with §§508(c) and (d) and the provisions of *Ord. 7-1995* [Part 7B], enacted contemporaneously herewith dealing with payment of delinquent taxes.
2. After full compliance with the requirements of §508(b)(1)(I) and *Ord. 7-1995* [Part 7B], the insurer shall pay the claim of the named insured, provided however, that if the loss is agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building structure, the following procedures shall be followed:
 - A. The insurer shall transfer from the insurance proceeds to the Municipal Officer the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, provided subsection (1) that this Section is to be applied such that if the claim is \$15,000 or less, the amount transferred to the City shall be \$2,000; and (2) that, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or

⁸⁶Municipal Certificate Required Prior to Payment of Fire Loss Claims - see 40 P.S. §638.

ADMINISTRATION AND GOVERNMENT

other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the City from the insurance proceeds the amount based upon the estimate.

- B. The transfer of proceeds shall be on pro rate basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
- 3. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure.
 - 4. Upon receipt of proceeds under this Section, the City shall do the following:
 - A. The Municipal Officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the City. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any proceedings related thereto.
 - B. It is the obligation of the insurer when transferring the proceeds to provide the City with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the Municipal Officer shall contact the named insured, certify that the proceeds have been received by the City and notify the named insured that the procedures under this subsection shall be followed.
 - C. When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the City and the required proof of such completion received by the Municipal Officer, and if the City has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the City has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and, if excess funds remain, the City shall transfer the remaining funds to the named insured.
 - D. To the extent that interest is earned on proceeds held by the City pursuant to this Section, and retained by it, such interest shall belong to the City. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

5. Nothing in this Section shall be construed to limit the ability of the City to recover any deficiency. Furthermore, nothing in this Part shall be construed to prohibit the City and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.
6. Shall provide the City of Reading may adopt procedures and regulations to implement the provisions of this Part and may by ordinance fix reasonable fees to be charged for municipal activities and services provided pursuant to this Part; including but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

(*Ord. 6-1995, 2/1/1995, Art. 2; as amended by Ord. 14-2001, 5/29/2001*)

§1-703. Adoption of Procedures and Regulations.

The City of Reading may by ordinance adopt procedures and regulations to implement §508 and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to §508 and this Part; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

(*Ord. 6-1995, 2/1/1995, Art. 3; as amended by Ord. 14-2001, 5/29/2001*)

§1-704. Penalties.

Any owner of property, any named insured or any insurer who violates this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(*Ord. 6-1995, 2/1/1995, Art. 4; as amended by Ord. 14-2001, 5/29/2001*)

B. Control of Fire Insurance Proceeds.

§1-711. Municipal Officer; Definitions.

1. The Director of the Department of Finance or his designee (hereinafter "Municipal Officer") is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein. [*Ord. 9-1996*]
2. A fire loss or claim for fire damage is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsements or riders to the policy.

(*Ord. 7-1995, 2/1/1995, Art. 1; as amended by Ord. 9-1996, 2/26/1996, §1*)

§1-712. Payment of Claims; Procedure.

1. No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Reading (hereinafter the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the Insurer and the named insured comply with the providing of §508(b) and the provisions of *Ord. 6-1995* [Part 7A] enacted contemporaneously herewith dealing with payment of delinquent taxes.
2. The Municipal Officer shall, upon the written request of the named insured specifying the tax description of the property, name and address of the insurer and the date agreed upon by the insurer and the named insured as the date of the receipt of a loss report of the claim, furnish the Insurer either of the following within 14 working days of the request:
 - A. A certificate, or at the discretion of the City, a verbal notification which shall be confirmed in writing by the insurer to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Municipal Officer's certificate or verbal notification, the City has not certified any amount as total costs incurred by the City for the removal, repair or securing of a building or other structure on the property.
 - B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and use charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Municipal Officer's certificate, the amount of the total costs, if any, certified to the Municipal Officer that have been incurred by the City for the removal, repair or securing of a building or other structure on the property. For

ADMINISTRATION AND GOVERNMENT

the purposes of this subsection, the City shall provide to the Municipal Officer the total amount, if any, of such costs, if available, or the amount of costs known to the City at the time of the Municipal Officer's certificate.

A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the City under applicable law.

3. Upon the receipt of a certificate pursuant to subsection (2)(A) of this Section, the insurer shall pay the claim of the named insured in accordance with the policy terms. Provided, however that the Insurer shall also comply with the provisions of *Ord. 6-1995* [Part 7A] dealing with escrow funds for certain fire losses.
4. Upon the receipt of a certificate and bill pursuant to subsection (2)(B) of this Section, the insurer shall return the bill to the Municipal Officer and transfer to the Municipal Officer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, proceeds, whichever is the lesser amount. The City shall receive the amount and apply or credit it to payment of the items shown in the bill.
5. Nothing in this Section shall be construed to limit the ability of the City to recover any deficiency.
6. Shall provide the City of Reading may adopt procedures and regulations to implement the provisions of this Part and may by resolution fix reasonable fees to be charged for municipal activities and services provided pursuant to this Part; including but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

(*Ord. 7-1995, 2/1/1995, Art. 2*)

§1-713. Proceeds Transferred to Municipal Officer.

1. The transfer of proceeds to the Municipal Officer shall be on a pro rata basis by all insurers with applicable policies of insurance providing protection for fire loss.
2. The City of Reading may by resolution adopt additional procedures and regulations to implement §508 and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to §508 and this Part; including, but not limited to, issuance of certificates and bills.

(*Ord. 7-1995, 2/1/1995, Art. 3*)

§1-714. Penalties.

Any owner of property, any named insured or any insurer who violates this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(*Ord. 7-1995, 2/1/1995, Art. 4; as amended by Ord. 14-2001, 5/29/2001*)

PART 8⁸⁷

DEPARTMENT OF POLICE PROMOTIONS

§1-801. Promotions.

The Mayor of the City of Reading shall promote members of the Police Department to the positions of sergeant, lieutenant, captain and inspector only from among the three highest on eligibility lists for each such position certified by the Civil Service Board who meet the following qualifications with respect to each position.

(*Ord. 49-1982, 11/24/1982, Intro.; as amended by Ord. 14-2001, 5//29/2001*)

§1-802. Sergeant.

1. An applicant desiring to take the test for the position of sergeant in the Reading Department of Police must be a sworn member of the Reading Department of Police with 5 years experience, who shall have attained the required 5 years experience prior to the closing date fixed by the Civil Service Board.
2. Where more than one member of the Department is qualified by virtue of this Section to submit application to take the test for the position of sergeant, the Civil Service Board shall conduct an examination process consisting of a written and oral examination in determining the respective final scores of the candidates for the position of sergeant, the written test shall have a weight of 50 points, the oral test a weight of 40 points, points acquired for years of experience, as provided for in §1-806 hereof, and points acquired for college credits as provided for in §1-810, hereof, shall be added to the composite score to determine the final score.
3. Where more than one member qualifies for an appointment to the position of sergeant as a result of the sergeants examination, the Civil Service Board shall enter the names of such persons on a list of eligibles in the order of their respective total scores, the highest coming first. The Mayor shall choose from the three names at the top of the list for appointment to the rank of sergeant. Whenever any name is removed from the list, in accordance with this Part, all names on the list lower than that removed shall be moved up in position on the list accordingly.

(*Ord. 49-1982, 11/24/1982, §1; as amended by Ord. 52-1990, 5/23/1990, §1; and by Ord. 14-2001, 5/29/2001*)

⁸⁷Police Department - see Third Class City Code, §2001 *et seq.*, 53 P.S. §37001 *et seq.*

Power to Provide for Lock Ups, Police Stations - see Third Class City Code, §2403(4), 53 P.S. §37403(4).

Power to Establish, Maintain Police Force - see Third Class City Code, §2403(21) *et seq.*, 53 P.S. §37403(21).

ADMINISTRATION AND GOVERNMENT

§1-803. Lieutenant.

1. An applicant desiring to take the test for the position of lieutenant shall be a sergeant who has held that position for at least 3 years prior to the closing date fixed by the Civil Service Board for the receipt of applications or one who held the position of detective on June 11, 1978, and who obtained such rank pursuant to *Ord. 31-1968*, as amended.
2. Where more than three members of the Department are qualified by virtue of this Section to submit an application to take the test for the position of lieutenant, the Civil Service Board shall conduct an examination process consisting of a written and oral examination. In determining the respective final scores of the candidates for the position of lieutenant, the written test shall have a weight of 50 points, the oral test a weight of 40 points. Points acquired for years of experience as provided for in §1-806 hereof, and points acquired for college credits as provided in §1-810 hereof, shall be added to the composite scores to determine the final score.
3. Where more than three members qualify for an appointment to the position of lieutenant as a result of the examination, the Civil Service Board shall enter the names of such persons on a list of eligibles in the order of their respective total scores, the highest coming first. The Mayor shall choose from the three names at the top of the list for appointment to the rank of lieutenant. Whenever any name is removed from the list, in accordance with this Part, all names on the list lower than that removed shall be moved up in position on the list accordingly.

(*Ord. 49-1982*, 11/24/1982, §2; as amended by *Ord. 52-1990*, 5/23/1990, §§2, 3; by *Ord. 121-1990*, 10/3/1990, §2; by *Ord. 13-1992*, 2/11/1992, §§1, 2; and by *Ord. 14-2001*, 5/29/2001)

§1-804. Captain.

1. An applicant desiring to take the test for the position of captain shall be a sergeant who has held that position for at least 5 years prior to the closing date fixed by the Civil Service Board for the receipt of applications or a lieutenant who has a combination of at least 5 years in the position of sergeant and/or lieutenant prior to the closing date fixed by the Civil Service Board for the receipt of applications. [*Ord. 13-1992*]
2. Where more than one member of the Department is qualified by virtue of this Section to submit an application to take the test for the position of captain, the Civil Service Board shall conduct an examination process consisting of a written and oral examination. In determining the respective final scores of the candidates for the position of captain, the written test shall have a weight of 50 points, the oral test a weight of 40 points. Points acquired for years of experience as provided for in §1-806, hereof, and points for college credits as provided for in §1-810 hereof, shall be added to the composite scores to determine the final score.

3. Where more than one member for an appointment to the position of captain as a result of the examination, the Civil Service Board shall enter the names of such persons on a list of eligibles in order of their respective total scores, the highest coming first. The Mayor shall choose from the three names at the top of the list for appointment to the rank of captain. Whenever any name is removed from the list, in accordance with this Part, all names on the list lower than that removed shall be moved up in position on the list accordingly.

(*Ord. 49-1982*, 11/24/1982, §3; as amended by *Ord. 52-1990*, 5/23/1990, §§4, 5; by *Ord. 13-1992*, 3/11/1992, §3; and by *Ord. 14-2001*, 5/29/2001)

§1-805. Inspector.

An applicant for the position of inspector shall be a lieutenant who has held that position for at least 3 years or a captain who has held that position for at least 1 year or the position of lieutenant for at least 3 years. Applicant names shall be reviewed by the Police executive staff with recommendations forwarded to the Chief of Police, who shall then either approve or disapprove such recommendations and submit his recommendations along with the staff's to the Mayor who shall appoint from those submitted.

(*Ord. 49-1982*, 11/24/1982, §4; as amended by *Ord. 52-1990*, 5/13/1990, §§6-8; and by *Ord. 121-1990*, 10/3/1990, §1)

§1-806. Service Time.

Those candidates for positions covered under this Part who shall have completed 20 years of service from the time of appointment to the Department of Police to the closing date fixed by the Civil Service Board for the receipt of applications for the respective examinations, shall receive the maximum of 5 points allowed for service. Those who have not completed 20 years of service as aforesaid shall receive $\frac{1}{4}$ point for each whole year of service completed as aforesaid.

(*Ord. 49-1982*, 11/24/1982, §5; as amended by *Ord. 14-2001*, 5/29/2001)

§1-807. Probationary Period.

Each member of the Police Department receiving a promotion to the aforementioned ranks, at the successful conclusion of a probationary period of 1 year from the date of the promotion, shall be subject to demotion by the Mayor only for cause, i.e., misconduct, failure to competently perform required duties, violation of Department written directives or laws of the Commonwealth or City ordinances. Reasons for demotions shall be set forth in writing and served on the member. In the event of a demotion the member may appeal to Council by

ADMINISTRATION AND GOVERNMENT

written notice to the Mayor within 15 days of the demotion. Council shall set a hearing date on such appeal which shall be held within a reasonable time in accordance with the local agency law.

(*Ord. 49-1982, 11/24/1982, §6; as amended Ord. 52-1990, 5/23/1990, §9; and by Ord. 14-2001, 5/29/2001*)

§1-808. Score Determination.

The Civil Service Board shall determine passing scores for all tests and examinations in conference with the administrators of such authorized tests or examinations and Police Department representatives. Passing scores shall be determined by Police Department personnel needs for each particular position being tested for and/or test criteria for adequate knowledge to perform in the tested position. Such determination shall be known, in writing, to all candidates before each portion of a testing or examination process occurs.

(*Ord. 49-1982, 11/24/1982, §7; as amended by Ord. 52-1990, 5/23/1990, §§10, 11; and by Ord. 14-2001, 5/29/2001*)

§1-809. Eligibility Lists.

Members of the Department whose names appear on the eligibility list as certified by the Civil Service Board shall, if passed over in the appointment, remain on the eligibility list in the position as indicated by their total score for a period of 3 years after the date the list is officially certified. If a member of the Department is passed over three times, his or her name shall be removed from the list. A member is considered to be passed over on each separate occasion when a person(s) whose name(s) appear below him or her on the eligibility list is appointed before he or she is appointed. If at any time three or less names appear on an eligibility list in effect under this Part, the Mayor may terminate the list and require the Civil Service Board to conduct retesting.

(*Ord. 49-1982, 11/24/1982, §8; as amended by Ord. 14-2001, 5/29/2001*)

§1-810. College Credits.

1. Those candidates for positions covered under this Part who have at least 30 or more college credit hours, shall receive $\frac{1}{2}$ point for each 15 completed hours to a maximum total of five points for 150 credit hours in accordance with the following scale:

Credit Hours	Points
30 to 44	1.0

45 to 59	1.5
60 to 74	2.0
75 to 89	2.5
90 to 104	3.0
105 to 119	3.5
120 to 134	4.0
135 to 149	4.5
150 and over	5.0

2. College credit hours shall be earned at an accredited college or university. Only those credits earned before the closing date fixed by the Civil Service Board for the receipt of applications shall be considered.

(*Ord. 49-1982*, 11/24/1982, §10; as amended by *Ord. 13-1992*, 3/11/1992, §4)

PART 9⁸⁸

DEPARTMENT OF FIRE AND RESCUE SERVICES

§1-901. Recognizing Volunteer Fire Department.

The following named fire companies, to wit:

- A. Rainbow Steam Fire Engine Company No. 1, of the City of Reading, Pa., instituted March 17, 1773.
- B. The Junior Steam Fire Engine Company No. 2, instituted December, 2, 1813.
- C. Reading Hose Company No. 1, instituted July 4, 1819.
- D. Neversink Fire Company No. 3, of the City of Reading, instituted April 14, 1829.
- E. Friendship Steam Fire Engine Company No. 4 of Reading, Pa., instituted March 4, 1848.
- F. The Liberty Fire Company of Reading, Pa., instituted January 21, 1854.
- G. Washington Fire Company No. 2 of Reading, Pa., instituted September 17, 1855.
- H. Keystone Hook & Ladder Company No. 1, of Reading, Pa., instituted January 19, 1856.
- I. The Hampden Steam Fire Engine Company No. 6. of Reading, Pa., organized September 8, 1867.
- J. Marion Hose and Steam Fire Engine Company No. 10, of Reading, Pa., instituted October 1, 1881.
- K. Riverside Steam Fire Engine Company, instituted January 9, 1890.
- L. The Schuylkill Fire Company of the City of Reading, instituted February 20, 1892.
- M. The Union Fire Company of Reading, Pa., instituted March 18, 1898.
- N. Oakbrook Fire Company, organized November, 1902.

together with such other fire companies as may be hereafter organized, in accordance with the provisions of §1-902 hereof, shall constitute the Firemen's Union of the City of Reading. Such

⁸⁸Department of Fire and Rescue Services - see Third Class City Code §2101 *et seq.*, 53 P.S. §37101 *et seq.*

ADMINISTRATION AND GOVERNMENT

Companies are hereby recognized as the duly organized Volunteer Fire Department of the City, subject to such necessary rules and regulations as Council shall approve by ordinance.

(*Ord. 74-1937, 12/22/1937, §1; as amended by Ord. 20-1938, 6/8/1938, §1; and by Ord. 14-2001, 5/29/2001*)

§1-902. Organization of New Fire Companies.

No new fire company shall be organized in the City except by ordinance of Council upon petition of the Firemen's Union, setting forth the name, location and membership of the proposed company, together with the consent of at least 2/3 of the companies at that time composing the Firemen's Union.

(*Ord. 74-1937, 12/22/1937, §2*)

§1-903. Classifying Members of Volunteer Fire Companies into Certified Volunteer Firefighters and Volunteer Nonfirefighters.

In the month of February of each year, the Department of Fire and Rescue Services shall certify as Firefighter, those members of the City volunteer fire engine companies, who have maintained sufficient and adequate ongoing fire training and who have received any other fire suppression instruction as required by the Department. It is the intent of this provision that only those members of volunteer fire companies who have been certified as a Firefighter by the Department, shall be permitted to ride in or on Department of Fire and Rescue Services apparatus, utilize or employ firefighting devices, tools and equipment and/or engage in firefighting, fire suppression activities and/or participate directly or indirectly in firefighting activities at a fire scene, in order to lessen the element of danger to life and property because of improvident actions of insufficiently trained volunteer and noncertified fire fighters. Members of volunteer fire companies certified in any one phase of Department of Fire and Rescue Services operations such as SCUBA rescue/hazardous materials, etc., shall not, without the required credentials, be deemed certified in all such emergency units. That is to say, members of the SCUBA and Hazmat teams of the Department, certified to participate in their own respective emergency and rescue units, shall, nevertheless, be required to be a certified volunteer firefighter in order to participate in fire suppression emergency operations.

(*Ord. 74-1937, 12/22/1937; as added by Ord. 18-1989, 2/27/1989, §1; and as amended by Ord. 14-2001, 5/29/2001*)

§1-904. Appropriations.

There shall be included each year in the annual appropriation ordinance an appropriation for each duly organized fire company belonging to the Reading Department of Fire and Rescue Services. Provided that no part of any such appropriation shall be expended unless the

company for which it is made has complied with all the rules and regulations of the Department, has been previously inspected by the Fire Chief and has furnished such Chief with a statement of its equipment and membership, together with the number of fires at which it was in service during the preceding year, with the average attendance of members thereat. Such appropriations shall be expended only for the payment of wages of, and compensation insurance premiums for, fire and ambulance drivers and tillermen; salaries and bond premiums of fire company officers; group accident insurance premiums for members; purchase of materials, supplies, and equipment used for firefighting and ambulance purposes; and for the maintenance of firehouses and equipment thereof in a suitable and comfortable condition for the purpose for which such firehouses may be used, in accordance with this Section.

(*Ord. 74-1937, 12/22/1937, §4; as amended by Ord. 20-1938, 6/8/1938, §2; by Ord. 51-1975, 12/3/1975, §3; and by Ord. 14-2001, 5/29/2001*)

§1-905. Officers.

The former title, designation, position, post or rank of Chief Engineer, shall hereafter be known as Fire Chief. The former title, designation, position, post or rank of Assistant Engineers shall hereafter be known as First Deputy Fire Chiefs. The new title, designation, position, post or rank representing a third level of command formerly known as Assistant Chiefs shall hereafter be known as Second Deputy Fire Chiefs. All vacancies to the position, post or rank of Second Deputy Fire Chief (the third level of command whatever the same shall be called) shall be filled from the ranks of the bargaining unit using Firemen's Civil Service procedure under the Third Class City Code and merit selection as set forth in the 1974-1975 labor contract pursuant to the Amended Order of Court dated April 4, 1975, Returnable to No. 3709 Equity Docket 1972. In the event of a vacancy in the post of Fire Chief, such position shall be filled by the Mayor with approval of a majority of Council.

(*Ord. 74-1937, 12/22/1937, §5; as amended by Ord. 51-1975, 12/3/1975, §§2, 3; by Ord. 24-1983, 6/15/1983, §1; and by Ord. 14-2001, 5/29/2001*)

§1-906. Salaries.

The salaries of the Fire Chief and Deputy Chiefs shall be in the amounts fixed by Council by ordinance.

(*Ord. 74-1937, 12/22/1937, §6; as amended by Ord. 51-1975, 12/3/1975, §3*)

§1-907. Duties At Fires.

The Fire Chief or, in his absence, the next First Deputy Fire Chief, shall have control over all fire apparatus and members of the Department of Fire and Rescue Services while in service at fires, and may, for insubordination thereat, suspend any company from service for such period

ADMINISTRATION AND GOVERNMENT

as he deems proper, subject to an appeal by such company to the Firemen's Union. The Fire Chief and Deputy Fire Chiefs and the officers of the City Department of Police are hereby authorized to exclude from interference with the function of the regularly organized Department of Fire and Rescue Services, while on duty at all fires, all persons not members thereof, except owners of properties in the immediate neighborhood of such fires, and persons having a pecuniary interest therein, or their agents, and to take into custody any person or persons who may persist in such unauthorized interference.

(*Ord. 74-1937, 12/22/1937, §6; as amended by Ord. 51-1975, 12/3/1975, §3; and by Ord. 14-2001, 5/29/2001*)

§1-908. Service Outside City.

The Fire Chief or, in his absence, the next First Deputy Fire Chief is hereby authorized and empowered, upon the request of the proper authorities of any adjacent city or town, to forward thereto, at his discretion, not more than two of the fire engines belonging to the Department of Fire and Rescue Services, for services in case of serious conflagration. However, in every such instance, the apparatus shall be in charge of, and accompanied by, experienced firemen belonging to the respective companies whose engines are so employed.

(*Ord. 74-1937, 12/22/1937, §8; as amended by Ord. 51-1975, 12/3/1975, §3; and by Ord. 14-2001, 5/29/2001*)

§1-909. Fire Chief Ex-Officio Fire Marshal.

The Fire Chief is hereby made ex-officio Fire Marshal. with all the powers conferred by the Third Class City Act.

(*Ord. 74-1937, 12/22/1937, §9; as amended by Ord. 51-1975, 12/3/1975, §3*)

§1-910. Adoption of Standard Screw Coupling.

The standard screw coupling approved by the Firemen's Union is hereby adopted as the coupling for the use of the entire Reading Department of Fire and Rescue Services.

(*Ord. 74-1937, 12/22/1937, §10; as amended by Ord. 14-2001, 5/29/2001*)

§1-911. Rules and Regulations.

The following rules and regulations shall cover the conduct of the Reading Department of Fire and Rescue Services:

- A. **Rule 1.** The Fire Chief shall have control over all fire apparatus and firemen at the time of fires, and shall have power to suspend any member or members of any company or companies for violating any of the City ordinances, or any of the rules and regulations of the Firemen's Union. All members so suspended shall stand suspended until final action. The Chief shall report his action in the matter to the Firemen's Union, who shall thereupon notify the company or companies whereof such parties are members, so that the proper action can be taken and penalty imposed. In the absence of the Fire Chief, the First Deputy Fire Chief of the District in which the fire occurs shall have charge of the Department. In case of the absence of the Fire Chief and the First Deputy Fire Chief of the District, the First Deputy Fire Chief at the fire shall have charge of the Department until the arrival of the Chief or First Deputy Fire Chief of the District. The foreman of the company arriving first at the fire shall assume charge of the Department, and have full control until charge is assumed by the Fire Chief or Deputy Fire Chiefs, respectively, as above stated.
- B. **Rule 2.** The Fire Chief, or other officer in charge, shall see that the premises where fires occur are left in such a condition that there will be no further danger from fire, likely to cause damage to life or property. He shall also have the power to detail a sufficient number of firemen, with apparatus, to remain at the fire as long as he deems it necessary.
- C. **Rule 3.** The First Deputy Fire Chiefs and all companies shall promptly report their arrival at fires to the Fire Chief or other officer in charge.
- D. **Rule 4.** The Fire Chief, or Deputy Fire Chiefs, or other officer in charge at fires, shall see that no more water is used than is necessary, and when chemical engines are present, no water shall be used should the Chief or Deputy Chief, or other officer in charge, consider the chemical streams sufficient. In all cases only booster streams shall be used, unless the fire has gained too much headway. All chemical lines shall be followed up by the large water lines with a shut-off nozzle attached thereto, when same are attached to a fire hydrant.
- E. **Rule 5.** The Fire Chief, or officer in charge shall cause companies not needed at fires to promptly return to quarters.
- F. **Rule 6.** The dangerous condition of any building, wall or other obstruction at any fire shall be promptly reported to the Fire Chief, or other officer in charge at such fire, and immediately after the fire such officer in charge shall report same to the Building Inspector of the City for proper action in regard thereto, unless it is deemed necessary for purposes of safety and subduing the fire, to cause its immediate removal by any means at hand.
- G. **Rule 7.** During the existence of fires requiring the presence of the Fire Chief, the Deputy Fire Chiefs, at the discretion of the Chief, shall respond to other alarms within their respective districts.

ADMINISTRATION AND GOVERNMENT

- H. **Rule 8.** The Fire Chief shall visit each company monthly, and thoroughly and carefully inspect all apparatus, and report the condition of the same to the Firemen's Union at the regular meeting succeeding such inspection.
- I. **Rule 9.** The Fire Chief, or other officer in charge at a fire shall cause all firemen found to be under the influence of liquor to be removed beyond the fire lines, and shall report the facts of such removal, with the names of the guilty parties, to the Firemen's Union, who shall thereupon notify the company or companies whereof such parties are members, so that the proper action can be taken and penalty imposed.
- J. **Rule 10.** All engines shall carry a gate valve for use on two or three-way fire hydrants, and immediately upon arriving at the fire ground shall attach same to the fire hydrant intended to be used by their respective companies, and shut off the same. Such company shall then attach its suction, or leading hose, to the other outlet, if a two-way fire hydrant, and if a three-way hydrant, attach its suction, or leading hose, to one of the other two outlets, so that a second company arriving at the same fire hydrant can attach its suction, or leading hose, to such gate valve attachment, at the two or three-way fire hydrant, as it may be. All attachments of gate valves or hose, as aforesaid, shall be subject to change, at any fire, by order of the Fire Chief.
- K. **Rule 11.** Engine and chemical companies will, on arrival on fire ground, cause their respective apparatus to be stationed within such reasonable distance from building so as to allow an aerial truck to station themselves directly in front of building.
- L. **Rule 12.** Engine and hose companies shall be required to carry reducers and other connections necessary to attach hose to engines and fire hydrants, and for any other connections.
- M. **Rule 13.** Companies shall report to the Fire Chief all fire hydrants found to be obstructed, or in need of repairs, and he shall immediately notify the Department of Water thereof.
- N. **Rule 14.** All engines of the Fire Department of Fire and Rescue Services shall be tested at least once a month.
- O. **Rule 15.** All hose of the Fire Department of Fire and Rescue Services shall be tested semimonthly under the direction of the Fire Chief.
- P. **Rule 16.** When a still alarm is sent to a company house the Fire Chief shall be immediately notified by telephone. The company shall respond promptly, first using the booster stream, and the water stream only as a last resort, as is specifically set out in Rule 4; the chemical line to be followed up by the large water

line, with a shut-off nozzle attached thereto, and connected with the fire hydrant nearest the fire.

- Q. **Rule 17.** Hoses shall be run in as close to a fire as is practicable, keeping on the side of the street the engine is located. Hose shall be kept off tracks wherever possible and not run over hose and couplings already laid. Engines and trucks shall also avoid running over hose and couplings laid in seeking positions for service at fires and in removing therefrom.
- R. **Rule 18.** Engine, hose and hook and ladder companies, immediately after the removal of their hose, or ladders, from their apparatus, shall remove apparatus to a reasonable distance from the immediate fire grounds.
- S. **Rule 19.** All proper dispatch consistent with safety shall be used in proceeding to a fire. Companies shall be held responsible for reckless driving.
- T. **Rule 20.** Companies shall keep their apparatus and tools in perfect order and carefully examine same after use for any defects therein.
- U. **Rule 21.** The number of persons who shall be permitted on the various size ladders at any one time shall not exceed, viz: To each 10 or 15 foot ladder; one. To each 20, 25 or 30 foot ladder; two. To each ladder more than 30 feet; three.
- V. **Rule 22.** When a company or companies, in responding to fire alarms, with its, or their, apparatus, are driving to the fire ground on a street leading directly thereto the right of way shall be given it, or them, by any other company, or companies driving with its, or their, apparatus to the same fire along a cross street, or arriving at the place of its intersection with such direct street. Such latter company, or companies, when about to turn with its, or their, apparatus from such cross street into such direct street and drive to the left thereon, shall take the right side of such street in making such turn, and when about to turn as aforesaid, from such cross street into such direct street and drive to the right thereon, shall take the left side of such cross street in making such turn.
- W. **Rule 23.** When two or more companies, with their apparatus, are driving to a fire along the same street, side by side, or within a short distance from one another, neither company shall hinder or delay the other by driving from side to side of the street, or in any manner. The penalties imposed by law in such cases will be strictly enforced against guilty parties.
- X. **Rule 24.** No company, or companies, nor any of its, or their, members, when responding to an alarm of fire, or while engaged in the line of duty at any fire, or in returning from a fire alarm or fire, shall become involved in any altercation, dispute, disturbance or breach of the peace, or violate any City ordinance or State law. If any dispute or misunderstanding arises between any companies or the members thereof at or during the above stated times or places, the Fire Chief or

ADMINISTRATION AND GOVERNMENT

Deputy Fire Chiefs, or other officer in charge of the Department at the time, shall forthwith be called upon, and his decision shall be final settlement of the same, and his orders in the premises shall be peaceably and implicitly obeyed by the parties concerned.

- Y. **Rule 25.** The Fire Chief shall prepare a fire alarm chart showing the number and location of each fire alarm box, the number of boxes to which each company shall respond on first and second alarms, and whether all apparatus or only one is to be used, and each company shall respond in accordance therewith.
- Z. **Rule 26.** Companies responding to first alarms shall remain until dismissed by the Fire Chief. Companies assigned to second alarms shall respond to all subsequent alarms.
- AA. **Rule 27.** When two ladder companies respond to an alarm, and another alarm comes in for the same district, the ladder company in reserve shall respond. When ladder companies respond to general alarm boxes only, ladders shall respond and the engines stand in reserve.
- BB. **Rule 28.** When an alarm is sounded within the district south of Buttonwood Street, north of Penn Street and east of Seventh Street, and an additional alarm is sounded covering the district north of Buttonwood Street and east of Seventh Street, one piece from Neversink and one piece from Schuylkill Fire Companies shall respond.
- CC. **Rule 29.** No apparatus shall leave the station on a box alarm until one round has been registered on the indicator.
- DD. **Rule 30.** In the event of the indicator or gong not working properly, the alarm room shall be called for the location of alarm.
- EE. **Rule 31.** Friendship Fire Company shall be a reserve company with one piece of apparatus for all stations north of Green Street and west of Seventh Street; Marion Fire Company shall be a reserve company for all stations south of Penn Street, except Stations 4, 41, 253 and 254; Riverside Fire Company shall be a reserve company for all stations south of Penn Street, except Stations 31, 37 and 132; Union Fire Company shall be a reserve company for all stations north of Penn Street, including Stations 31, 37 and 132; Oakbrook Fire Company shall be a reserve company for all stations north of Penn Street, including Stations 4, 41, 253 and 254. The reserve companies will respond to all alarms except the one in which the Department of Fire and Rescue Services is working by a previous alarm.
- FF. **Rule 32.** After a first alarm has been sounded, should the Fire Chief require the assistance of companies assigned to the boxes on second alarms, he shall give two taps and, after a brief interval, strike the box number in the usual manner. A second alarm shall, in all cases, be designated by two taps followed by the box

number from which the first alarm was sounded, the box number being repeated four times.

- GG. **Rule 33.** The signal 3-3-3 will be used exclusively for general alarms, to which the entire Department shall respond with the exception of the reserve companies, who shall remain at their respective stations and respond to all subsequent alarms.
- HH. **Rule 34.** Companies not responding to first alarms, assigned to second alarms, shall stand on the alert. Should no additional company be required, a signal of one tap shall be given by the Fire Chief indicating that the fire is under control and that the companies have left the place of alarm. Upon the return of the companies to their stations following an alarm, they will report to the alarm room when in service again.
- II. **Rule 35.** Companies not assigned to first or second alarms become first alarm companies, and shall respond to all subsequent alarms.
- JJ. **Rule 36.** The rules and regulations of the Water Authority, with regard to the opening and closing of, and making connections to, fire plugs, shall be strictly observed.
- KK. **Rule 37.** The foregoing rules and regulations shall be strictly enforced, and any act of insubordination, or disobedience of these rules and regulations, or of any order of the Fire Chief or other officer in charge at any fire, by any company or companies of the Fire Department of Fire and Rescue Services, or any respective members thereof, shall be promptly reported to the Firemen's Union by the Fire Chief or such officer in charge for immediate action at its next meeting.

(Ord. 74-1937, 12/22/1937, §11; as amended by Ord. 51-1975, 12/3/1975, §3; and by Ord. 14-2001, 5/29/2001)

§1-912. Fire Marshal Creation, Appointment and Reports.

1. There is hereby created the office of Fire Marshal in the Division of Fire, Department of Public Safety.
2. The Fire Marshal shall report to the Fire Chief in such manner as required by the provisions of the Charter
3. The Mayor shall appoint the fire marshal, with the approval and consent of Council, biennially, as provided by the Code.

(Ord. 74-1937, 12/22/1937; as added by Ord. 70-86, 9/3/1986, §§1-3; and as amended by Ord. 14-2001, 5/29/2001)

§1-913. Delinquent Bill Accounts.

1. The Chief of the Department of Fire and Rescue Services (hereinafter "Chief") is hereby authorized to and shall establish a schedule of fees for providing emergency medical services to individuals or other entities. Said fees may be adjusted from time to time by the Chief to reflect changing costs and needs.
2. Any recipient, individual or other entity of emergency medical services assistance shall be responsible for payment of his bill before the expiration of 90 days from the date of billing. Any bill paid after 90 days from the date of billing will be assessed an additional 25% of the unpaid balance as a collection fee. Any collection fee incurred in conjunction with the collection of any such delinquent account shall be the responsibility of, and paid by the recipient, individual or other entity, of said services.

(Ord. 38-2000, 12/27/2000, §§1,2)

§1-914. Collection Procedures and Collection Agency Fees for Delinquent RFDEMS Accounts.

1. **Statement of Policies.** The RFDEMS hereby determines to charge to delinquent account parties all costs of collection, including Agency fees incurred in collection of unpaid fees, user charges and other items covered by the Act.
2. **Schedule of Fees.**
 - A. The RFDEMS hereby approves the following schedule of Agency fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services of such an agency:

25% - For the collection of accounts under one year from date of service or last payment made by debtor.

25% - For the collection of accounts one year or over from date of service or last payment made by debtor.

25% - For the collection of accounts second placement.
 - B. The amount of fees determined as set forth above shall be added to the RFDEMS's claim in each account.
3. **Collection Procedures.** The following collection procedures are hereby established to the policy of the RFDEMS.
 - A. At least 30 days prior to assessing or imposing agency fees in connection with the collection of an account, the RFDEMS shall mail or cause to be mailed, by first class

mail, postage prepaid, a notice of such intention to the rate payor or other entity liable for the account (the "account debtor").

- B. All notices required by this Part shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the RFDEMS, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes or elsewhere.
- C. Each notice as described above shall include the following:
 - (1) The type of charge, the date it became due and the amount owed including penalty and interest.
 - (2) A statement of the RFDEMS's intent to impose or assess agency fees within 30 days after the mailing of the notice.
 - (3) The manner in which the assessment or imposition of agency fees may be avoided by payment of the account.
 - (4) The place of payment for accounts and the name and telephone number of the RFDEMS official designated as responsible for collection matters.
- 4. **Related Action.** The proper officials of the RFDEMS are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Part.

(Ord. 13-2005, 3/28/2005)

COLLECTION SERVICES AGREEMENT

COLLECTION SERVICES AGREEMENT, entered into effective as of _____, 2005, Accounts Recovery Bureau, Inc. (hereinafter referred to as "**ARB**") and **Reading Fire Department Emergency Medical Services** (hereinafter referred to as "**RFDEMS**"); ARB and RFDEMS agree that the following shall constitute the Collection Services Contract between ARB and RFDEMS:

1. AGENT RELATIONS. RFDEMS agrees to employ ARB as its exclusive agent to investigate, communicate, forward to affiliate collection agencies and to take any and all reasonable collection steps with respect to ambulance billing, which RFDEMS in its sole discretion turns over to ARB. RFDEMS is the owner of the ambulance accounts and is the agent of the City of Reading for the collection of ambulance billing accounts. All collection steps taken by ARB in the settlement and collection of assigned ambulance billing accounts will be in accordance with the terms of the Fair Debt Collection Practices Act and procedures of the American Collectors Association of which it shall remain a member in good standing.

2. RIGHT OF ENDORSEMENT. RFDEMS grants and conveys to ARB the right of endorsement in clearing drafts, checks and notes for collection.

3. QUARTERLY REPORTS. ARB will provide to RFDEMS Quarterly Status Reports as provided for in RFDEMS's Delinquent Ambulance Billing Collection Policy.

4. RELEASE AND RETURN OF ACCOUNTS. ARB agrees to release and return accounts assigned for collection and determined to be uncollectible under the Delinquent Ambulance Billing Collection Policy of RFDEMS after receipt of a written notice by listing the accounts in alphabetical order and the client's current balance. Accounts in the process of collection by ARB, or externally through an affiliated collection agent, will be returned within 15 days of written notice.

5. PAYMENTS TO RFDEMS (Member Payments). RFDEMS agrees to promptly report all payments, bankruptcy notices and any and all communications from the debtor and or any third party.

6. ACCOUNTING. ARB agrees to report and pay to RFDEMS net proceeds of all collections after the commission fee has been subtracted and RFDEMS will remit any proceeds due ARB within 30 days of billing. Such reports will be submitted by ARB to RFDEMS no later than the fifth day following the end of the calendar month.

7. CONSUMER RELATIONS. In the event of discovery of any material error by ARB or RFDEMS, proper notice will be made by the discoverer to the other party and efforts will be made on cooperative basis to resolve error.

8. WORKMAN'S COMPENSATION. ARB is an equal opportunity employer and does not discriminate on the basis of race, color, creed, religion, sex, age, sexual preferences or

ADMINISTRATION AND GOVERNMENT

national origin. ARB employees are covered by workman's compensation and would not hold RFDEMS responsible for any accidents which may occur while performing their job responsibilities.

9. INDEMNIFICATION. ARB agrees to indemnify and hold RFDEMS and also its officers, agents and employees harmless from and against any and all claims, damages, losses and actions arising out of ARB's responsibilities under this Agreement relative to accounts assigned to ARB for collection.

10. SOFTWARE LICENSE. For the term of this Agreement, ARB grants to RFDEMS a license (revocable upon termination of this Agreement) to use the Smart Link Software that will be provided to RFDEMS by ARB. ARB will provide adequate training and support for use of such software without cost to RFDEMS.

11. TERM OF AGREEMENT. The Agreement shall commence as of the effective date set forth above and continue in effect thereafter for 4 years; provided, that RFDEMS may terminate this Agreement for breach of any provision hereof by ARB at any time and provided further that RFDEMS shall review the performance of ARB annually and may terminate this Agreement within 90 days of the end of each 12-month period if, in its sole discretion, ARB has not achieved satisfactory collections during such 12-month period.

12. ASSIGNED ACCOUNTS. Accounts assigned to ARB for collection under this proposal can only be accounts which have not been worked or assigned to any third party agents, attorneys or collection agency.

13. COMMISSION FEES: 20% on first time referrals.

14. NOTICES. Notices provided for in this Agreement shall be given in writing and shall be personally delivered or transmitted by mail, addressed as follows, unless notice is given to the other party that a different address as been designed.

IF TO ARB:

Accounts Recovery Bureau
Mr. David Landau
P.O. Box 6768
Wyomissing, PA 19610

IF TO RFDEMS:

Reading Fire Department Emergency Medical Services
William H. Rehr III, Fire Chief
815 Washington St.
Reading, PA 19601

PART 10

POLICY FOR ACCESS TO PUBLIC RECORDS

§1-1001. Purpose.

1. The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 *et. seq.*, as amended, to provide access to public records of the City of Reading, to preserve the integrity of records, and to minimize the financial impact to the residents of the City of Reading regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
2. It is the policy of the City of Reading to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City of Reading. The City of Reading designates the Managing Director as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines.

(Ord. 1-2003, 1/13/2003)

§1-1002. Format to Request.

All requests for public records of the City of Reading under this Part shall be specific in identifying and describing each public record requested. In no case shall the City of Reading be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the City of Reading does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the City of Reading, as attached hereto, entitled "Public Record/Review Duplication Request."

(Ord. 1-2003, 1/13/2003)

§1-1003. Processing of Request.

1. All requests for access to public records of the City of Reading shall be directed to the Managing Director of the City of Reading. The Managing Director's office shall be located in City Hall and made accessible to the public.
2. The Managing Director may designate certain employee(s) to process public record requests.
3. The City of Reading is responsible for minimizing, where possible, the financial impact to the City of Reading regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

ADMINISTRATION AND GOVERNMENT

4. The Managing Director shall make a good faith effort to determine whether each record requested is a public record.
5. The Managing Director shall facilitate a reasonable response to a request for the City of Reading's public records. In no case is the City of Reading expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the City of Reading's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

(Ord. 1-2003, 1/13/2003)

§1-1004. Response to Request.

1. The designated employee shall respond to the requester within 5 business days from the date of receipt of the written request. If the City of Reading does not respond within 5 business days of receipt thereof, the request is deemed denied.
2. The response provided by the City of Reading shall consist of (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the record requested.
3. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City of Reading. The Managing Director, or his designee, shall cooperate fully with the requester, while also taking reasonable measures to protect the City of Reading's public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

(Ord. 1-2003, 1/13/2003)

§1-1005. Fees Associated with Request.

1. Fees for duplication of public records shall be as follows:
 - A. Photocopying fees - \$2.00 first page; (\$.30 per page thereafter):
 - B. Certification of a public record - \$25.00 per record certified;
 - C. Copying records onto electronic media - \$20.00 plus actual cost of materials and media used for copying.
 - D. Copying off-site of subdivision, land development or other plans - \$20.00 plus actual cost incurred.

- E. Postage: Actual cost to the City of Reading of mailing the public record.
- 2. In the event the estimated cost of fulfilling a request submitted under this Part is expected to exceed \$100.00, the Managing Director shall obtain 50% of the expected cost in advance of fulfilling the request to avoid unwarranted expense of City of Reading resources.

(Ord. 1-2003, 1/13/2003)

§1-1006. Review of Request.

- 1. If the request is being reviewed, the notice provided by the City of Reading shall be in writing and include the reason for the review and the expected response date, which shall be within 30 days notice of review. If the City of Reading does not respond within 30 days thereof, the request is deemed denied. Review of the request is limited to situations where:
 - A. The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information.
 - B. The record requires retrieval from a remote location.
 - C. A timely response cannot be accomplished due to staffing limitations.
 - D. A legal review is necessary to determine whether the record requested is a public record.
 - E. The requester has failed to comply with the City of Reading's policy and procedure requirements.
 - F. The requester refuses to pay the applicable fees.
- 2. If access to the record requested is denied, the notice provided by the City of Reading shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Records."

(Ord. 1-2003, 1/13/2003)

§1-1007. Denial of Request.

- 1. If the request is denied or deemed denied, the requester may file exceptions with the City of Reading City Council within 15 business days of the mailing date of the Managing Director's notice of denial, or within 15 days of a deemed denial. The exceptions must:

ADMINISTRATION AND GOVERNMENT

- A. Indicate the date of the original request.
 - B. Identify and describe the record(s) requested.
 - C. State the grounds upon which the requester asserts the record(s) is a public record.
 - D. Address any grounds stated by the School District in its notice of denial.
- 2. A subcommittee of the City Council of the City of Reading, consisting of any three Council persons, shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within 30 days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.
 - 3. This Part shall be posted conspicuously at the Managing Director's office.

(Ord. 1-2003, 1/13/2003)

PUBLIC RECORD REVIEW/DUPLICATION REQUEST

Please print legibly

Date of Request: _____

Requestor's Name: _____

Requestor's Address: _____

Requestor's Telephone: _____

I request review/duplication (circle applicable choice) of the following records.

Important: You must identify or describe the records with sufficient specificity to enable the City of Reading to determine which records are being requested. Use additional sheets if necessary.

I certify that I am a resident of the Commonwealth of Pennsylvania.

Signature of Requester

This request may be submitted in person, by mail or by facsimile to:

PUBLIC RECORD REVIEW/DUPLICATION REQUEST

To be completed by Managing Director:

Request No.: _____

Date Received: _____

Action Taken:

Approved Date of approval: _____

Denied Date notice mailed: _____

Additional Review Date notice mailed: _____

DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE

Date of Denial: _____

Requester's Name: _____

Requester's Address: _____

Re: Denial of Request to Review and/or Duplicate _____

Request No.: _____

Date of Request: _____

Dear Mr./Mrs./Ms. _____

Please be advised that your request to review/duplicate [strike out inappropriate request] the following records:

has been denied for the following reason(s):

This denial is based upon the following legal authority:

You have the right to appeal this decision. If you appeal, you must either:

1. Within 15 days of the notice of denial or deemed denial, file exceptions with the City Council of the City of Reading in accordance with City of Reading's policy.

If you file exceptions, the City of Reading has 30 days in which to respond to your exceptions, unless extended by the parties. The City Council of the City of Reading may decide to conduct a hearing within that time to assist in the making of decision.

-OR-

ADMINISTRATION AND GOVERNMENT

- 2.. Within 30 days of the notice of denial, or within 30 days of the City Council's final decision (in the event that you have filed exceptions), you may file a petition for review in the Berks County Court of Common Pleas or bring an action in the local District Magistrate's office.
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